



SENATE



SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT

• VOLUME 148

• NUMBER 16

OFFICIAL REPORT
(HANSARD)

Tuesday, October 4, 2011

The Honourable NOËL A. KINSELLA
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

CONTENTS

"
(Daily index of proceedings appears at back of this issue).

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, October 4, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

PARLIAMENTARY REFORM

Hon. Bert Brown: Honourable senators, a few words from Premier Alward, of New Brunswick, who said:

We support Prime Minister Stephen Harper's initiative to bring democracy to Canada's Senate. I'm pleased to share with you that we are committed to strengthening New Brunswick's representation in Ottawa by giving New Brunswickers a voice in the selection of their senators.

THE HONOURABLE SENATOR CLAUDETTE TARDIF

RECIPIENT OF L'ORDRE DES FRANCOPHONES D'AMÉRIQUE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, it is my great pleasure to draw the attention of the chamber today to a special honour that was bestowed last week upon my colleague the Deputy Leader of the Opposition, Senator Tardif.

Last Thursday, at a ceremony at the National Assembly of Quebec, Senator Tardif was presented with l'Ordre des francophones d'Amérique. The Quebec government awarded Senator Tardif this high honour, in their words:

... in recognition of her championship of linguistic and cultural rights of francophone minorities across Canada, and for her important contribution to secondary and post-secondary education.

Honourable senators, we here have been privileged to witness close-up Senator Tardif's passionate commitment to both francophone rights and education. She grew up as a francophone in a small anglophone town in Alberta. Her parents were determined that she know not only the French language but also what it means to be a francophone, to know her cultural heritage, and so they made the difficult decision to send her away to boarding school at the age of 6. That was the only choice her parents had.

Today, francophone parents in Alberta, and indeed across Canada, have a wide variety of choices open to them — thanks, in no small part, to the work of Senator Tardif. She has said that the legacy from her family — to value both a good education and her French heritage — have been the twin causes of her life. Senator Tardif was determined that the next generation and all the

succeeding ones would be able to realize their identity, by right without having to leave home at the same age she did. She together with others, worked tirelessly to change that reality and to create opportunities for young Canadians, French and English to be able to be educated in French in their own communities. Thousands of Canadians have benefited and, as a nation, we have benefited as well. We are stronger and more unified. As more and more Canadians are able to communicate in more than one language, we are better equipped to meet the challenges of the 21st century.

Senator Tardif's determination to ensure that students have access to French language education covered the full spectrum, from elementary school through university. She served two terms as Dean of the Faculté Saint-Jean, the highly regarded French language campus of the University of Alberta in Edmonton. In that time, Senator Tardif took an institution whose very existence was in jeopardy and turned it around, in part by raising millions of dollars to put it on a solid foundation for future generations of French-speaking students. She remains professor emerita at the University of Alberta.

Senator Tardif, we are all proud that the Government of Quebec has seen fit to recognize your many accomplishments with this great honour. We look forward to continuing to work together for minority language rights and education for Canadians for many years to come. *Félicitations!*

Hon. Senators: Hear, hear!

MENTAL ILLNESS AWARENESS WEEK

Hon. Judith Seidman: Honourable senators, October 2 to 8 is Mental Illness Awareness Week, which at its core is about dialogue.

Recently, Canadian hockey lost three men, each suffering from different forms of depression or substance abuse, but all ultimately ending their lives by suicide or accidental overdose. It is no secret that mental illness and addiction often coincide with poor social and economic conditions. However, Derek Boogaard, Rick Rypien and Wade Belak were not living on the fringes of society; they were successful professional athletes. How, then, do we begin to understand these successive tragedies?

One answer to this question is the paralyzing stigma that surrounds mental illness in our national consciousness. The weight of this supposed disgrace, this unspoken rejection from society, is so profound that it has the power to dampen even the most affable personalities.

Honourable senators, one in five Canadians will experience mental illness in their lifetime. The remaining four will have a friend, family member or colleague who struggles with a mental disorder. These statistics speak volumes about the significance of mental health in our society. Every Canadian will be touched by some form of mental illness, and no single class, gender or culture

is immune. Seventy per cent of mental health problems begin during childhood or adolescence. Only one in five children receives the mental health services and support that they require. However, if care is received, a staggering 80 per cent of youth suffering from depression, for example, are able to regain a regular lifestyle.

Honourable senators, mental illness has been on the minds of Canadians for some time. The stories of these three young men have reawakened memories and sparked public dialogue. It is our responsibility to keep this conversation active and, in doing so, to enable those living with mental illness to find their own voice. However, first they must first know that we will embrace this cause with as much compassion and energy as we pledge in the fight against physical illness. Mental Illness Awareness Week provides us with this opportunity.

Honourable senators. I ask you to join me in this conversation.

[Translation]

THE HONOURABLE CLAUDETTE TARDIF

RECIPIENT OF L'ORDRE
DES FRANCOPHONES D'AMÉRIQUE

Hon. Rose-Marie Losier-Cool: Honourable senators, I would also like to congratulate our deputy leader, the Honourable Claudette Tardif, someone who I think is a tad too modest.

On Wednesday, September 28, Senator Tardif was in Quebec City in the Legislative Council Chamber of the Quebec Parliament Building. She was there with six other well-known individuals who were all presented with the Ordre des francophones d'Amérique. The presentation of their insignia was presided over by Christine St-Pierre, Minister of Culture, Communications, Status of Women and Minister responsible for the application of the Charte de la langue française.

• (1410)

The Ordre des francophones d'Amérique is awarded annually by the Conseil supérieur de la langue française du Québec to individuals who dedicate themselves to the preservation and development of the French language in America.

All senators are familiar with our Franco-Albertan colleague's strong commitment to our beautiful language and to the institutions that share it. We are reminded of this commitment every week, particularly at the Standing Senate Committee on Official Languages, where she is an unwavering pillar.

Honourable senators, I urge you to join me once again in congratulating Senator Tardif on this well-deserved recognition.

[English]

NATIONAL DAY OF SERVICE

Hon. Pamela Wallin: Honourable senators, on the tenth anniversary of the 9/11 tragedy I had the honour to be in New York City, with Prime Minister Harper, to be with the families of those who lost their lives in the Twin Towers.

It was a moving and emotional time. However, there were also some uplifted spirits because the Prime Minister declared that, henceforth, every September 11 in Canada will be known as a National Day of Service, a day when Canadians can dedicate themselves to small acts of kindness to honour all Canadian victims of terror and their families, including the men and women of our military who march into harm's way to fight terrorism and its sponsors.

What makes this declaration so powerful is that it was the families themselves who asked for this. They did not seek ceremonies, memorials, flag-waving or fanfare — just a simple signal that we should always remember to pay it forward to honour those who pay the ultimate price.

After I was appointed to this place, the families came to me and sought my help. Two bills were introduced. Twice those bills died on the Order Paper. Why? Because some senators opposite would not support this simple and selfless request.

I can assure honourable senators that this both hurt and angered those seeking to honour their loved ones. The bill stated that a National Day of Service would be "a fitting legacy . . . for all those who have demonstrated courage and compassion . . ." in the face of terrorism, intended ". . . to honour the courage and sacrifice of Canadians in the face of terrorism." This includes the victims of 9/11 and of Air India, and the loss of our soldiers in battle.

One senator opposite made a mockery of the bill, arguing he was not convinced that the words "courage" and "sacrifice" are the right ones with respect to those 24 Canadians. There is no doubting the tragedy nor the horrible loss, he conceded, but then asked if it was truly a sacrifice, was it courage? Perhaps, he asked in this chamber, there are examples that can be adduced to demonstrate the courage and sacrifice from those Canadians.

Imagine the effect of those appalling words on the families — demanding proof of bravery or sacrifice. They sacrificed everything — their lives.

The honourable senator went further, arguing that the bill was seeking to attach 9/11 to a National Day of Service and that it was "sacrilegious." I cannot even fathom the intent. Another senator attacked the idea, suggesting that to recognize the events of 9/11 would be to disregard other acts of terrorism, other heroes. Clearly, the bill's purpose was to create a National Day of Service to honour all Canadians who fight in the face of terrorism.

She then stated that the bill would ". . . commemorate a single event that occurred in another country." No, it did not commemorate only a single event, but what if it had? As for the event occurring in another country, some two dozen Canadians died on that day in that other country. It was not a foreign event.

Let me close by saying that no matter their intent on the other side, a National Day of Service has now been designated. The Prime Minister saw the great merit of this idea. He heard the heartfelt pleas of the families.

I urge all Canadians, every September 11, through a generosity of spirit, through unheralded and unannounced acts of kindness, to honour the memory of those whose bravery and courageous sacrifice must never be forgotten.

MRS. RUTH GOLDBLOOM, O.C.

Hon. Jane Cordy: Honourable senators, I am very pleased to continue with the second in my series on influential Cape Breton women. Since October is celebrated as Women's History Month, I cannot think of a better time to continue this series.

In my last statement about strong Cape Breton women, I mentioned how our communities and where we come from can shape us. This, I am noticing, is a recurring theme and continues to be true. Believe me; it is not difficult to find the names of strong Cape Breton women by whom I am inspired.

I am sure many of you, when asked, have a very specific answer to the question, "Where do you come from?" In all honesty, this wonderful country of ours is so young that we do not have to trace too far back in our family lines to find a boat in a port somewhere in Europe, Asia, the Middle East or Africa. Many of us know where that spot is, but some of us do not. My maiden name, MacKinnon, should indicate to you that my particular family history does not put my ancestors on the streets of Russia. My subject for today, however, only has to go back one generation to find her story on those streets.

Ruth Goldbloom is someone who has done a great deal to help Canadians preserve that integral part of their history. Her efforts with Pier 21 reassures new Canadians that they do not have to give up the part of themselves essential to who they are in order to be part of our country.

Ruth was born in New Waterford, Cape Breton, Nova Scotia. She was one of six children born to Rose Schwartz, a Russian immigrant to Cape Breton, who was widowed at a young age. It was her mother's work ethic and dedication to community that was impressed on Ruth and led her to become a lifelong volunteer and fundraiser. Ruth attended Mount Allison University and is a graduate of McGill University. During her time in Montreal, she served as a board member for several education and community groups. When she moved to Halifax in 1967, Ruth continued these efforts, including becoming the first woman to chair the Metro United Way Campaign.

Ruth has served as Chair of the Board of Mount Saint Vincent University, Regent of Mount Allison University, and Chair of Dalhousie University's Annual Fund. She is currently Chancellor Emeritus of the Technical University of Nova Scotia, a board member of the Halifax Waterfront Development Corporation, and a board member of the Foundation for Heritage and the Arts.

Ruth Goldbloom has received honorary degrees from Dalhousie University, Mount Saint Vincent University, Nova Scotia Community College, Nova Scotia College of Art and Design and Mount Allison University, as well as the University of King's College. She has been the recipient of the Human Relations Award of the Canadian Council of Christians and

Jews, the Volunteer of the Year Award of the Centre for the Advancement and Support of Education, Washington, D.C., as well as Canada's One Hundred Twenty-fifth Anniversary Commemorative Medal.

Her community and national service was recognized in 1999 when she was appointed a Member of the Order of Canada. Subsequently, in 1997, she received the National Harmonization Award, which was followed in 1999 by the Canadian Hadassah Wizo's Women of Achievement Award. In that same year she was named to the honour roll of *Maclean's* magazine. In January she was promoted to officer within the Order of Canada. Ruth has raised millions of dollars in support of health, education and cultural institutions.

Honourable senators, Ruth Goldbloom is not only a strong Cape Breton woman, but represents strong Canadian women. She has set an incredible example of what it means to give back. Through her tireless efforts she has helped us to celebrate what it means to be Canadian and to celebrate a unique aspect of our country, of which we are so proud; that is, to not only recognize diversity within our country but to appreciate and value it. Our being here today is indicative of that.

Honourable senators, I look forward to continuing to share with you the stories of other great, strong Cape Breton women.

WORLD SIGHT DAY

Hon. Consiglio Di Nino: Honourable senators, World Sight Day is an international day of awareness that recognizes blindness and vision impairment as a global public health issue, which in Canada is promoted and guided by VISION 2020 Canada.

The World Health Organization estimates that, worldwide 286 million people are visually impaired, of which 39 million are blind; yet, 80 per cent of blindness is avoidable. The tragic consequences of vision loss result in a reduced quality of life for those afflicted by this condition. As well, the financial costs are enormous, costing the Canadian economy alone an estimated \$15.8 billion per year.

VISION 2020 Canada is a member of the Global Initiative for the Elimination of Avoidable Blindness, a joint program of the WHO and the International Agency for the Prevention of Blindness, IAPB, with an international membership of NGOs, professional associations, eye care institutions, corporations and governments, and, I would add, volunteers. The many successes of VISION 2020, including its "The Right to Sight" resolution have been achieved through unique, cross-sector collaboration which enables public, private, not-for-profit and government interests to work together to help people all over the world to see. The Canadian government is a signatory to the World Health Organization's "The Right to Sight" resolution.

• (1420)

Honourable senators, this evening there will be a reception for VISION 2020 Canada in room 256-S, if I am not mistaken, hosted by MP Paul Calandra and myself.

I am sure that all honourable senators will join me in praising and applauding VISION 2020 Canada and all the organizations, professionals and volunteers who serve this cause and who strive to help those with vision impairment live their lives fulfilled and with dignity.

ROUTINE PROCEEDINGS

GLOBAL CENTRE FOR PLURALISM

2010 ANNUAL REPORT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Activities of the Global Centre for Pluralism for the year 2010.

[Translation]

BUSINESS PLAN FOR 2011 TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2011 Executive Summary of the Corporate Plan for the Global Centre for Pluralism.

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE PURSUANT TO RULE 104 PRESENTED

Hon. Marie-P. Poulin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Joint Committee on the Library of Parliament regarding the powers of the committee.

(For text of report, see today's Journals of the Senate, p. 205.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Poulin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

WORLD AUTISM AWARENESS DAY BILL

FIRST READING

Hon. Jim Munson: Honourable senators, once again I rise with commitment, determination and love in my heart. I have the honour to present Bill S-206, An Act respecting World Autism Awareness Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Munson, bill placed on the Orders of the Day for second reading two days hence).

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY POTENTIAL REASONS FOR PRICE DISCREPANCIES OF CERTAIN GOODS BETWEEN CANADA AND UNITED STATES

Hon. Joseph A. Day: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report on the potential reasons for price discrepancies in respect of certain goods between Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy;

That, in conducting such a study, the committee take particular note of differences between Canada and the United States including, but not limited to, market sizes, transportation costs, tariff rates, occupancy costs, labour costs, taxes and fees, regulations, mark-up; and

That the committee submit its final report to the Senate no later than June 30, 2012, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. W. David Angus: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. on Tuesday, October 4, 2011, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Explication has been requested, Senator Angus.

Senator Angus: Honourable senators, the Minister of the Environment, the Honourable Peter Kent, will be appearing before the Standing Senate Committee on Energy, the Environment and Natural Resources at 5 p.m. today. I seek leave for that reason.

Hon. Grant Mitchell: Honourable senators, Senator Angus has done a great job of inviting ministers. A commitment to attend tonight has been made by Minister Kent, and we are looking forward to hearing him.

Hon. Terry M. Mercer: Perhaps in the future when committee chairs move these motions they could provide an explanation so that we need not request one.

We will support the motion.

The Hon. the Speaker: Leave having been granted, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE USE OF INTERNET, NEW MEDIA AND SOCIAL MEDIA AND THE RESPECT FOR CANADIANS' LANGUAGE RIGHTS

Hon. Maria Chaput: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report on the use of the Internet, new media and social media and the respect for Canadians' language rights; and

That the committee report from time to time to the Senate but no later than October 31, 2012, and that the committee retain all powers necessary to publicize its findings until December 31, 2012.

• (1430)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Nassirou Bako-Arifari, Minister of Foreign Affairs, African Integration, Francophonie and the Beninese Abroad, of the Republic of Benin.

On behalf of all honourable senators, welcome to the Senate of Canada.

[English]

QUESTION PERIOD

ENVIRONMENT

CLIMATE CHANGE STRATEGY

Hon. Grant Mitchell: Honourable senators, if it were possible to shame this government, or at least for it to ever feel ashamed, then the last week or so has been a pretty bad week for the Conservative Government of Canada. First, the National Round Table on the Economy and Environment established that climate change impacts will cost this government and the Canadian people literally billions of dollars, and this government is neither assessing them nor taking any action to avert or adapt to them. Second, the Commissioner of the Environment and Sustainable Development just reported that this government has no key management systems to measure or manage any reductions that it might want to try to implement, if it actually wanted to try to implement any.

Could the Leader of the Government tell the house how, in light of these observations, laying off 776 people from Environment Canada and cutting \$70 million in grants that might have done something can be anything but an absolute climate change policy disaster?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with regard to job cuts at Environment Canada, there has been a great deal of misreporting on the matter. Minister Kent has made it very clear and has stated many times that none of Environment Canada's core services will be affected by workforce adjustments. All employees whose positions are made surplus will be given help in finding new jobs. Minister Kent has also stated on numerous occasions that these decisions are made by the deputy minister and the department and are made free from political interference.

With regard to the study that the honourable senator refers to, the findings of many studies have been questioned in the public venue. I believe that this morning the government thanked the Commissioner of the Environment and Sustainable Development for the report. The report states:

... the federal government has made new international and national commitments to reduce greenhouse gas emissions which include commitments set out under the Copenhagen Accord, the 2010 Federal Sustainable Strategy, and the Cancun action plan. All of these establish a commitment to achieving a 17 percent reduction, from the 2005 levels, in greenhouse gases by 2020.

Those are not my words or the government's words; they are the words of the Commissioner of the Environment and Sustainable Development.

Senator Mitchell: The leader told the house that the minister said there had been no reduction in core services as a result of these layoffs. It is odd that she would take him at face value of this when the Minister of the Environment is saying clearly

that there are no key management systems to measure, manage or implement programs. Could it be that there have been no reductions in key services because there have not been any key services in this important area to begin with?

Senator LeBreton: Honourable senators, Senator Mitchell always seems to be up to date on everything in this area. He will know that the Commissioner of the Environment and Sustainable Development appeared before the committee in the other place this morning and confirmed that, with respect to the second part of his report on the cumulative environmental effects of the oil sands projects, his study was for a period before the advisory panel on the oil sands had reported. In his report he stated:

In my view, the federal government has taken an important step forward by both acknowledging the deficiencies of the current system and setting out a detailed plan to fix them.

He also stated:

If fully implemented, these commitments hold the promise of establishing a credible, robust, and publicly accessible monitoring system for measuring environmental conditions and changes in environmental quality levels, as well as determining the sources of those changes.

I thank the Commissioner of the Environment and Sustainable Development for his good work. On balance, it is a very good report containing significant hope and good news. As honourable senators know, the government has taken action on many of these fronts already.

Senator Mitchell: Environment Canada has admitted that it might be able to account for 25 per cent of the targets achieved to this point, but there is literally no plan in place to achieve the remaining 75 per cent. How can the leader of the government say on the one hand that there is a plan in place now, which was not in place before, and admit on the other hand that the department had 776 more people before, who might have been able to implement that plan, whom they do not have now to implement any kind of plan at all?

Senator LeBreton: The honourable senator is incorrect in saying that the government does not have a plan. We have a plan to meet our target of 17 per cent below 2005 levels by 2020. As the honourable senator knows full well, we are moving to reduce greenhouse gas emissions with a sector-by-sector regulatory approach. We have already started with the transportation sector and the electricity sector — two of the targeted sources. We published the regulations on cars and light trucks in October 2010. In August, we released the consultation document outlining the main elements of our new greenhouse gas emission regulations for the 2014 and later models of heavy duty road vehicles. Also, in August Minister Kent posted in the *Canada Gazette* Part 1 new regulations for the coal-fired electricity sector that will encourage the phase-out of dirty coal.

We will move forward in a manner that balances the need to protect both the environment and jobs. This is the commitment we made to the Canadian electorate in the last election. Together with the provinces, we are one quarter of our way to reaching our 2020 target.

VETERANS AFFAIRS

VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: My question is for the Leader of the Government in the Senate and it is with regard to the Veterans Independence Program. The program helps to keep veterans and their spouses in their homes for as long as possible. However, there is a problem with the delivery of this program. One year ago I brought to the leader's attention the inequity that exists.

If a veteran and his wife were receiving both the housekeeping and the grounds-keeping benefits, then the widow can continue to receive the two benefits. If the veteran and the wife did not receive either benefit, then the widow can apply for and receive the two benefits. However, here is the problem: If a veteran and his wife were receiving only one of those services, then the widow cannot apply for the second service, even though she has low income.

This issue has come to the attention of the Veterans Ombudsman. This past spring, the ombudsman and people from his office appeared before the Standing Senate Committee on National Finance. They told us that this does not make any sense. They said that they had raised the issue with Veterans Affairs Canada on several occasions, but there has been no change.

Why has this government not corrected the problem?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Before I answer her question, I congratulate her and her colleagues in Prince Edward Island on their victory in yesterday's election. I am sure that Senator Callbeck, being a former Premier of Prince Edward Island, took great pride in that result.

• (1440)

In reply to the honourable senator's question, I realize that many of the specific cases with regard to the New Veterans Charter are unique and require specific answers. With regard to this unique case, I will attempt to get more information.

We promised veterans that the charter would be a living document, and we have kept this promise with the Enhanced New Veterans Charter Act. Through this legislation we are offering veterans improved care and financial assistance, an enhanced earning loss benefit and options for disability award payments. This additional investment of \$2 billion helps to ensure that veterans' needs continue to be met.

As I pointed out a moment ago, it is a living document and not perfect. There are examples such as the honourable senator has described that obviously require attention. However, our government is working hard to provide our veterans and their families with the support they need. Over the last six years, we have provided an additional \$3.16 billion to improve the care and support we provide to our veterans and their families. It is a major step forward. I am very confident in and proud of our government's record on looking after our veterans.

Senator Callbeck: I thank the leader for the congratulations. Certainly, Islanders can look forward to another four great years of Liberal government.

This question that I have raised today, I first raised roughly a year ago. At that time the leader took the question as notice. I am wondering how long it will be before I can expect an answer.

This problem does come up from time to time with people in Prince Edward Island. They ask me why there is such a discrepancy here, and I do not know. As I say, the ombudsman told the Finance Committee that it did not make sense.

Madam leader, when can I expect an answer?

Senator LeBreton: Honourable senators, there was an event that intervened that caused all questions before this place to fall off the Order Paper. Of course, that was the election precipitated by the Liberal Party. Thank you very much.

The honourable senator said that Prince Edward Islanders can look forward to four more years of good Liberal government; thanks to the May 2 federal election, Canadians can look forward to four years of a strong, stable, national Conservative majority government.

Honourable senators, all the questions in the hopper when we were defeated in the other place, which precipitated the election, fell off. I will take the question as notice because I, too, am anxious to see the answer. I do remember the honourable senator raising the question, and it does seem rather strange, to say the least.

INDUSTRY

2011 CENSUS

Hon. David Tkachuk: My question is for the leader of the government. As honourable senators know, the opposition here and in the other place raised numerous objections to our new census policy, saying it would have disastrous results and that volunteerism could not replace the compulsory long-form census.

I am wondering if the leader is ready to give us an update on that policy, as the census has been going on for some time.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I was quite sure I would not be getting any more census questions from the opposition.

I will take honourable senators back. This subject was the basis of numerous questions in this place and in the other place, together with many editorials and opinion pieces by the likes of Lawrence Martin. Indeed, the government's decision with regard to the long-form census was put in the category of a scandal.

I am very happy to report to honourable senators on both sides that, as I indicated in my earlier answers, we always believed that a fair and reasonable approach was to remove the requirement

that the long-form census be mandatory, but rather that it be voluntary. We made the commitment that we would distribute the same form to more people with the same questions. Now we have the results.

People were predicting that less than 50 per cent of the people would answer the data, that the data would be insufficient, and that we could not possibly glean from it the information we require. I am happy to report with regard to the National Household Survey that the national collection response rate was 69.3 per cent. The number of households responding to the 2011 National Household Survey was greater than that of the 2006 mandatory long-form census.

As I have already mentioned, the questions were the same. Although it was distributed to more people, there was still a very high almost 70 per cent return rate. Statistics Canada has said that the National Household Survey will, in fact, yield useful and usable data that will meet the needs of the users of the census data.

Senator Tkachuk: I want to mention that, unlike when I was on the other side some six or seven years ago, the leader's answer was so complete that I do not have a supplementary.

FOREIGN AFFAIRS

EUROPEAN UNION POLITICAL FRAMEWORK TREATY

Hon. Joan Fraser: Honourable senators, I thank the leader for informing us that 30 per cent of the people who were sent the form did not fill it out. However, my question for the Leader of the Government in the Senate is on another matter.

Last month I had the honour of being part of a delegation to the Canada-Europe Parliamentary Association visiting Strasbourg and Copenhagen, because Denmark is the incoming president of the European Union. We were very interested in discussions about the comprehensive economic and free trade agreement that is now being negotiated with the European Union.

In a way, we were even more interested to learn that along with the free trade agreement that we are all aware is being negotiated, Canada and the European Union are negotiating what is called a "political framework treaty." This was not something that any of us had ever heard anything about before. Although I cannot say that I have surveyed 100 per cent of the senators, those here to whom I did speak were equally unaware that a political framework treaty was being negotiated with the European Union. The goal is to have it negotiated by the end of this year before the trade agreement.

We had slightly varying descriptions of what might be in the agreement. Clearly, Canada is not negotiating to become a member of the European Union, but beyond that it was not quite clear what a political framework treaty with Europe would include. Some people said it would just be apple pie and motherhood, affirming our adherence to common democratic values. Other people seemed to think it could even go so far as addressing the elements that are not in the free trade agreement because we could not get agreement in the trade negotiations.

What can the leader tell us about this political framework treaty?

Hon. Marjory LeBreton (Leader of the Government): Just to respond to the honourable senator's comment, she said that 30 per cent of Canadians did not answer the National Household Survey. I thank her for pointing that out. That is far better than 40 to 50 per cent not answering it. I think the data will be that much better.

With regard to the honourable senator's question, Minister Fast is working very hard to secure a free trade agreement with the European Union. This trade agreement is expected to boost Canada's economy by \$12 billion, and increase two-way trade by 20 per cent. We plan to move aggressively to complete negotiations, and we will only sign a trade agreement that is in the long-term best interests of Canadians.

With regard to the political framework treaty, I will seek more detailed information on that for the honourable senator and provide a written response.

• (1450)

Senator Fraser: I thank the leader for that. I would draw to her attention the fact that one of the few firm pieces of information we were given was that this framework treaty, which will be a treaty, will not be submitted to Parliament. Parliament has not, to the best of my knowledge, been informed about this treaty. Can the leader give us some assurance that before Canada signs any such treaty, Parliament will be informed about what it contains and what its implications are for this country?

Senator LeBreton: As the honourable senator knows, having been in government, treaties often do not come before Parliament. On the matter of the European Union trade talks, Minister Fast has been working very hard. At such time as he is able to inform Parliament and Canadians of the status of the deliberations, I am quite confident he will do so.

Again, I point out that Minister Fast and the government will not enter into any agreement that does not have a direct benefit for Canada.

Just to inform honourable senators, in case they did not see it in the news today, *Forbes* magazine has listed Canada as the number one country in the world in which to do business.

Senator Fraser: Honourable senators, we all agree that Canada is the number one country in the world, I am sure. Most — indeed, all — trade agreements do come before Parliament in the form of implementing legislation once the overall treaty has been signed. My concern about this one is that there appears to be no plan for implementing legislation. Since we have not been told anything about it, it will all be a done deal before we know anything about it.

I repeat my request for assurance that, before we sign a treaty of this nature on the dotted line, Parliament will be told what is going on.

Senator LeBreton: I will be happy to pass on the honourable senator's request to the Minister of Trade, the Honourable Ed Fast.

[Translation]

RESPECTING LINGUISTIC DUALITY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the Minister of Foreign Affairs and International Trade has a unique mandate to represent Canadians on the international stage. This also means that he represents both English-speaking Canadians and French-speaking Canadians.

For that reason, every government action and every government speech must appropriately reflect our linguistic duality. When we learned last week that the Minister of Foreign Affairs had gone to great lengths to bypass Treasury Board Secretariat rules by demanding that his business cards be unilingual — that is, solely in English — Canadians began to worry, and with good cause.

We could understand a careless mistake. However, it was a deliberate act by the Minister of Foreign Affairs, who clearly demanded and went to great lengths to ensure that his business cards would be printed in English only. I must admit that I am at a loss. Is the minister ashamed of one of Canada's official languages? This is a question of principle that is of vital importance to Canadians. Does the Leader's government support the minister's actions in light of his responsibility to represent Canada and our linguistic duality both here and abroad?

[English]

Senator Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will state again, as I have stated many times in this place, that the government is a strong supporter of the linguistic duality of this country and of the Official Languages Act. I am told that the new business card simply reduced the address, but that his title, Minister of Foreign Affairs, is in both of Canada's official languages. I may be misinformed. I will check.

[Translation]

Hon. Dennis Dawson: Honourable senators, today, I must admit that I miss Dimitri Soudas. I know that the Prime Minister's new director of communications has a big fan club but the bilingualism directives from the Privy Council and the Prime Minister's Office are very clear: statements must always be made in both official languages.

Does the Leader of the Government in the Senate find it normal that Canada's representatives on the international stage speak in English only? Does the Prime Minister's new director of communications not know how to read French? This is a growing trend and we must ensure that we never allow Canada's international image to be presented only in English. If we start now, we need never wonder why Canada has difficulty getting elected to the United Nations Security Council.

Was this decision made and supported by the Prime Minister's Office or by the Minister of Foreign Affairs?

[English]

Senator LeBreton: The honourable senator is incorrect. The Prime Minister, first and foremost, is a champion of Canada's linguistic duality and a strong adherent of the Official Languages Act. I know Senator Dawson does not spend a lot of time paying attention to everything the Prime Minister says, but I can tell him that I do. I cannot think of a single occasion, domestic or international, when the Prime Minister has not begun every news conference and every public event in which he participated on behalf of the people of Canada, first and foremost in the French language.

Even in the White House, after his meetings with President Obama in February, where there was a large group of American media covering the event live, the Prime Minister, who could have, in order to get the media attention, started off in English, did not. In fact, he spoke in French for quite some time. Of course, that caused the American networks to leave the coverage of the press conference.

Having said that, the Prime Minister leads by example. The government absolutely adheres to our official languages policy and has participated in and expended money in support of it. Our government will not change its policy. We are an officially bilingual country, and we adhere absolutely to the Official Languages Act.

[Translation]

Senator Dawson: As a Quebecer, I admire the Prime Minister for the effort he makes to speak French on the international stage. However, that is not the issue. The Minister of Foreign Affairs seems to have made the decision, with or without the support of the Privy Council and employees of the Department of Foreign Affairs, to do something that has likely not been done since Diefenbaker's time — to represent Canada on the international stage in English only. If it starts with English business cards, is the next step speeches that are in English only? Mr. Baird holds his own very well in French and I respect him for the effort he makes. If it starts now with business cards, perhaps tomorrow it will be signage.

I would like to come back to my friend Mr. Soudas. Part of his new mandate is to ensure that the Canadian Olympic Committee is bilingual. I applaud him for his effort. However, Ottawa's Minister of Foreign Affairs cannot be allowed to weaken French in Canada.

[English]

Senator LeBreton: Honourable senators, Minister Baird is bilingual. He can speak both French and English. I do not think Senator Dawson would want to read something into this that is not there. All of the government and the Minister of Foreign Affairs, taking the lead of the Prime Minister, absolutely support our linguistic duality. As a matter of fact, there are many people in the government, myself included, who are unilingual. I wish that were not the case, but I am a product of my own environment and my own upbringing. However, that does not in

any way take away from my own personal commitment to the laws of our country, our linguistic duality and the Official Languages Act.

• (1500)

The honourable senator will forgive me for going back in history, but it was the Right Honourable John George Diefenbaker who brought simultaneous translation into the deliberations of Parliament.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government) Honourable senators, I have the honour to table the answer to the question raised by Senator Mitchell on June 9, 2011, concerning the environment, carbon offsets.

ENVIRONMENT

CARBON OFFSETS

(Response to question raised by Hon. Grant Mitchell on June 9, 2011)

Offsetting Emissions from Vancouver Olympic and Paralympic Games

The Government of Canada is taking appropriate and cost-effective mitigation actions to reduce its GHG emissions wherever possible and this includes its participation in the 2010 Winter Olympic and Paralympic Games. A consistent approach to the purchase of offsets relating to major international events is part of the Government of Canada's approach to climate change that achieves real environmental and economic benefits for all Canadians. As such, the government has established clear criteria for the types of activities and events to offset.

On June 23, 2011, the Government of Canada published a Request for Proposals (RFP) to seek bids from contractors to offset greenhouse gas emissions related to increased federal activities during the Olympic and Paralympic Winter Games in British Columbia in February and March 2011. As described in the RFP, Environment Canada is willing to pay for verified emission reductions from one or more projects in Canada. These reductions could come from a wide range of types of projects, such as landfill gas capture, agricultural methane destruction projects including the use of anaerobic biodigesters, and bioenergy or renewable energy projects.

The Government of Canada's approach to offsetting the Winter Games focused first on reducing emissions wherever possible and then on offsetting those emissions that could not be avoided. Where appropriate and cost-effective, the following mitigation measures were taken to reduce greenhouse gas emissions:

- Maximizing the use of public transit for federal employees delivering essential services for the Games;
- Selecting accommodation near operational work sites;
- Minimizing air travel through redeployment of local personnel; and
- Stipulating the percentage of alternate fuel vehicles to be used in the rental fleet.

The emissions that could not be avoided are those that the Government of Canada intends to offset through the purchase of emission reductions. Since the Games, the government has calculated those emissions using generally-accepted practices and scientifically-based quantification methodologies. The activities of over 1000 employees will be offset, including their travel to and from the region, local accommodation, local transportation and the torch relay. Emissions related to security will also be offset.

These activities amount to approximately 16,200 tonnes of greenhouse gases. The government will offset these emissions by purchasing offsets with a maximum contract limit of \$260,000.

The Request for Proposal was posted on MERX for 40 days and a number of bids were received. Environment Canada is in the process of reviewing the bids and if one is successful, a contract will be awarded within approximately three months. The final cost of offsetting emissions from the Winter Games will be determined through this competitive bidding process. The winning bidder will be announced soon after the completion of this process. The contractor may provide the Government of Canada Verified Carbon Standard (VCS) offset credits that have already been generated or it may sell emission reductions that have been or will be achieved. All emission reductions must be achieved by December 31, 2013. Payment will be made after the government is satisfied that the emission reductions have been achieved and the requirements of the contract completed.

To be eligible for consideration under this proposal, emission reductions must be real, permanent, incremental, unique, verified and generated in Canada. The contractor must demonstrate that the emission reductions meet the requirements in the Request for Proposal. Offset credits generated from biological sink projects registered with VCS are permitted under this contract because of the permanence mechanism that VCS has in place to deal with reversals. Environment Canada will provide the required technical and scientific expertise to evaluate offset projects to ensure that they satisfy these criteria.

[English]

ORDERS OF THE DAY

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Nancy Ruth moved second reading of Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

She said: Honourable senators, I support Bill S-2, the family homes on reserves and matrimonial interests or rights act. The legislation offers a balanced solution to a long-standing inequity that affects people living on reserves, particularly women and children. Bill S-2 builds on previous legislative efforts to facilitate the resolution of this issue, including the development of First Nation laws in this area.

Canadians who live on First Nation reserves do not have the same legal protections as those of us who live off reserves. This situation was created more than 25 years ago, in 1986, when the Supreme Court of Canada rendered decisions in two cases: *Paul v. Paul* and *Derrickson v. Derrickson*. The cases involved the rights and interests of couples who lived on reserves and whose relationships fell apart.

The Supreme Court ruled that provincial or territorial family laws related to matrimonial real property, interests and rights did not apply on reserves. Given that no relevant federal law existed, individuals living on reserves had no legal protection.

The legislative gap applies to a wide range of situations. For instance, an abusive husband can evict his wife and their children from the family home. Not a court in the country has the power to intervene.

Issues of jurisdiction contribute to the problem. Our Constitution grants provinces and territories jurisdiction over family law, while the federal government has jurisdiction over reserves. This jurisdictional divide is at the core of the Supreme Court's rulings. Provincial and territorial laws governing matrimonial real property interests and rights simply do not apply on reserves. Since no relevant federal laws exist, residents of all but a handful of First Nation communities have no legal recourse to the family home in the event of a family breakdown or on death of a spouse.

Sixteen First Nations have established their own laws in this area, and these First Nations took advantage of legislation passed in 1999. It was called the First Nations Land Management Act. This act enables, at this point, 30 First Nations to enact laws related to their reserve lands.

In other cases, however, First Nations have enacted similar laws following the completion of self-government agreements. They are the exception. The vast majority of our 600 First Nations have not enacted laws in this area, and hundreds of thousands of individuals remain in legal limbo when it comes to matrimonial real property interests and rights on reserves.

Honourable senators, this gap has had, and continues to have, real and often devastating consequences for individuals and families living on reserves.

A common example is this: After years of abuse, a woman flees her husband and takes refuge in an emergency shelter along with their children. Although safe, the shelter is miles away from her community and the support of her friends and other family members, elders and schoolteachers. The wife and children are keen to move back, but no court has the authority to issue orders for emergency protection or exclusive occupation of the family home. The woman faces a choice: return to the community and risk further abuse, or start all over again somewhere else, with little more than the clothes on her back and removed from her support system.

Consider another example: After more than 25 years of marriage, a husband dies. He and his wife had been pillars of their community, serving as foster parents to more than a hundred children over the years. However, the wife was not named on the Certificate of Possession and the band council orders her out. With no legal protection for her rights, she can be evicted immediately from her home and her community and be forced to find a new place to live.

A man and a woman in a common-law relationship separate after living together for six years in a house on the reserve. During their time together, the man paid for thousands of dollars worth of home renovations. While both are members of the First Nation, the woman is the only one named on the Certificate of Possession and decides to stay in the home. The man agrees to move out, but he wants to recoup his investment in the renovations. He cannot turn to the justice system, because no court has the authority to order an effective remedy, such as a transfer or partition. The man's only recourse is to try to convince the woman to pay him some of the money.

Bill S-2 would address all these scenarios. Bill S-2 proposes to protect the matrimonial real property rights and interests of all individuals who live on reserves. The bill would give First Nations the authority to create their own laws in this area, laws informed by their own cultures and traditions. The bill also proposes a provisional federal regime that would protect people on reserves unless or until First Nations develop and ratify their own laws.

To provide time for First Nations to develop laws, the federal regime would not come into effect until 12 months after Bill S-2 comes into force.

During the 25 years since the legislative gap was first identified, a long list of authoritative and independent groups both here in Canada and abroad have studied the matter.

Many calls for a solution have also come from within Canada. Back in 1988, for instance, an inquiry into the justice system's treatment of Aboriginal peoples cited the legislative gap. The inquiry's final report recommended that "The *Indian Act* be amended to provide for the equal division of property upon marriage breakdown."

Parliament has also long recognized the need for a legislative solution. Standing committees, both here and in the other place,

examined what such a solution might look like, what it would contain and how it might be implemented. In 2003, the Standing Senate Committee on Human Rights, chaired by Senator Raynell Andreychuk, published a report entitled *A Hard Bed to Lie In: Matrimonial Real Property on Reserve*, which made a number of valuable recommendations, including recognition of the need for culturally sensitive laws to be developed.

The House Standing Committee on Aboriginal Affairs and Northern Development also investigated the issue and heard from more than 30 witnesses. The legislation before us today has its roots in this committee's final report, *Walking Arm-In-Arm to Resolve the Issue of On-reserve Matrimonial Real Property*, tabled in 2005. The report featured two principal recommendations. The first reads, in part:

That, consulting with the Native Women's Association of Canada and the Assembly of First Nations to the extent possible, considering the urgency of the situation, the government immediately draft interim stand-alone legislation or amendments to the *Indian Act* to make provincial/territorial matrimonial property laws apply to real property on reserve lands.

• (1510)

Honourable senators, the Government of Canada followed this recommendation. Shortly after the publication of the committee's final report, officials with Aboriginal Affairs and Northern Development Canada initiated a planning process in partnership with the two national Aboriginal organizations named in the recommendation. During the planning process, the parties agreed to collectively implement the second principal recommendation of the standing committee's report, which reads as follows:

That, in broad consultation with First Nations organizations and communities, the government collaborate with those organizations and communities to develop substantive federal legislation on matrimonial real property for those First Nations that have not created their own law on the subject matter within the time frame set out in the interim legislation. This legislation should cease to apply to First Nations that subsequently develop their own matrimonial real property regimes.

Honourable senators, the Government of Canada heeded the recommendation and allotted \$8 million plus to Aboriginal organizations and First Nations communities to consult the members and stakeholders. To help focus the consultation process, the Government of Canada prepared a discussion paper outlining the issues and laying out three potential legislative solutions. To coordinate and report on the consultations and to forge a consensus on a potential legislative solution, a ministerial representative was appointed. That representative, as we all know, was Wendy Grant-John, one of the most eminent First Nations women in Canada. That consultation was launched at Parliament Hill, just steps from here, by then Minister Prentice and National Chief Fontaine.

During 2006 and 2007, more than 100 consultation sessions were held in communities across Canada. Each session was led by one or more of the following groups: the Native Women's

Association of Canada, the Assembly of First Nations and Aboriginal Affairs and Northern Development Canada. First Nations representatives comprised the vast majority of session participants. Along with this input, dozens of groups provided written submissions.

During consultations, it became clear that there was little support for one of the potential solutions: incorporating relevant provincial and territorial laws into the Indian Act. As a result, this option was abandoned.

Once the consultations were complete, the ministerial representative held a series of consensus-building sessions with representatives of key stakeholder groups, including the Native Women's Association and the AFN. The goal of these sessions was to forge a consensus on a potential legislative solution. A consensus was not achieved on the precise contents of the legislation, but all parties did agree on several key points. For instance, they agreed that time was of the essence and that the legislation must include a mechanism for the First Nations to enact their own laws in this area.

Legislation was introduced in 2008, 2009 and 2010, and debates and a committee review led to a series of amendments. The bill was passed as amended by the Senate and introduced into the other place, where the bill died for the third time due to the recent election.

Honourable senators, this government remains committed to providing a legislative solution to address the issue of matrimonial real property. To further support First Nations in developing their own laws in this area, this government has opted to make further improvements to the bill. These improvements address specific concerns expressed by many groups during previous rounds of parliamentary examinations.

The first improvement is the removal of the verification process, including the role of the verification officer proposed in the old bill. Under Bill S-2, a First Nation must inform all on- and off-reserve eligible voters of the proposed law and the date and time of the vote, but no verification officer is needed to oversee the voting process.

The second improvement, a significant one, changes the ratification threshold for the law developed by First Nations. Under Bill S-2, the ratification threshold has been changed to a single majority with a minimum level of participation. That means a First Nation must ensure that at least 25 per cent of all eligible voters participate in the vote on its proposed legislation and that a single majority of the voters — a majority of those participating in the vote — vote to support it. This change further supports First Nations in enacting their own matrimonial real property laws. I have to say, though, that I am sorry that of the 25 per cent of voters, 50 per cent of them are not required to be women.

The third improvement is the addition of a 12-month delay in the implementation of a federal regime. This provides First Nations with time to design and ratify matrimonial real property interests and rights laws before the federal provisional rules will apply.

Honourable senators, the existing legislative gap affects many of Canada's most impoverished and vulnerable citizens. As long as the current gap exists, one group of Canadians will continue to

be denied the protection the law affords to other groups of Canadians. An important aspect of the justice system that is central to our democracy will remain inaccessible to them. All Canadians are diminished to some degree when an inequity like this is not addressed.

Honourable senators, it is our duty to properly consider both the broad, collective interests of First Nations and the interests and rights of individual Canadians, especially those who are vulnerable. When these interests do not perfectly coincide, we must try to achieve a reasonable compromise. In doing so, we must ensure that the most vulnerable people in our society have the legal rights and protections that they need. I believe Bill S-2 effectively balances the protection of individual rights with the recognition of First Nations' collective interests.

The legislation now before us is the result of an extensive process of research, consultation and engagement. Bill S-2 has been informed by years of study and incorporates dozens of improvements, including suggestions by the national Aboriginal organizations and other stakeholders during the review of the draft bill; legislative amendments introduced when a similar bill was previously before Parliament; and more recent changes to facilitate development of First Nations laws in this area.

A key element of Bill S-2 is the opportunity for First Nations to enact laws based on their unique customs and traditions.

For all these reasons, I ask honourable senators to vote for Bill S-2.

Hon. Lillian Eva Dyck: Would the honourable senator take a question?

Senator Nancy Ruth: Yes.

Senator Dyck: I thank the honourable senator for her presentation, which was clear and gave interesting scenarios.

The question I have for the honourable senator is the following: This summer, Bill C-21 dealing with the removal of section 67 from Canadian Human Rights Act, which essentially said that the Indian Act trumped the Canadian Human Rights Act, took effect. How does that change affect this bill?

Since that act is now in force, it would seem to me that provincial laws with regard to division of matrimonial assets, anything like emergency protection orders, exclusive occupation orders and all the kinds of things the honourable senator was talking about that are in this bill would now be subject to provincial and territorial law. It sounds like there no longer is a legislative gap. How does this bill now address that reality?

Senator Nancy Ruth: I will have to get back to Senator Dyck with an answer to that question.

Senator Dyck: The short question, if the honourable senator will respond later, would be: Is this bill even necessary if that act now applies?

(On motion of Senator Tardif, debate adjourned.)

• (1520)

FEDERAL LAW—CIVIL LAW HARMONIZATION BILL, NO. 3

SECOND READING—DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill S-3, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

He said: Honourable senators, I rise today to speak at second reading on Bill S-3, which is contained in this little document of 116 pages that the Minister of Justice has asked me to commend to you for bedside reading. It is a gripping page-turner. I will try to elaborate some of the mysteries that are contained therein.

[Translation]

Bill S-3 is the third series of proposals introduced before Parliament with the aim of harmonizing federal law with Quebec civil law. You will recall that Bill S-4, introduced in 2001, became the Federal Law—Civil Law Harmonization Act, No. 1, and that Bill S-10, introduced in 2004, became the Federal Law—Civil Law Harmonization Act, No. 2.

[English]

Honourable senators, Bill S-3 is identical to Bill S-12, which was considered by the members of this chamber during the last session of the Fortieth Parliament. That bill was introduced in this chamber on October 20, 2010, read for the second time and referred to the Standing Senate Committee on Legal and Constitutional Affairs on November 18, 2010.

The committee heard witnesses on December 1, 2, 8 and 9, 2010, and a fulsome discussion was held and a review made. Acknowledging the unequivocal support of the witnesses to the harmonization initiative and to that bill, the committee unanimously adopted it without amendment. The bill was then read for the third time here in the Senate on December 14, 2010, and read for the first time in the House of Commons the next day. Unfortunately, Bill S-12 died on the Order Paper when the Fortieth Parliament was dissolved on March 26, 2011.

Honourable senators, this bill is identical to the one to which we have already applied our sober second thought. It seeks to amend 12 statutes, including the Canada Business Corporations Act, the Canada Cooperatives Act and the Expropriation Act.

Honourable senators, I would now like to provide some background information on the harmonization initiative.

To understand the origins of the harmonization initiative, it is important to understand that in Quebec, rights and obligations with regard to property and civil rights are primarily governed by the "Code civil du Québec," while in the nine other provinces and in the three territories they are primarily governed by the common law.

It was the Quebec Act of 1774 that enshrined the coexistence of the common law and the civil law traditions here in Canada. The Constitution Act, 1867, which divided legislative powers between

the federal Parliament and the provincial legislatures, did not change the situation. By giving the provinces jurisdiction over property and civil rights, the Constitution Act, 1867, enabled them to pass legislation in key areas, including family, estates property and contracts.

For its part, the federal Parliament, in exercising its legislative powers, regularly refers to property and civil rights concepts. When it is necessary to interpret such a concept, and unless otherwise provided by law, the rules, principles and concepts in effect in the province or territory where the federal text is applied or to be applied give meaning to the text. In that way, provincial or territorial law complements federal law.

Honourable senators, this complementarity of provincial law requires each language version of federal laws and regulations to take into account the civil law tradition of Quebec and the common law tradition of the other provinces or territories.

The coming into force of the Civil Code of Quebec on January 1, 1994 was, and remains, a key landmark in the history of our country's legal system. It replaced the Civil Code of Lower Canada that had been in force in Quebec since 1866.

I might note in passing that I, and other civilians from "la belle province," including Senator Nolin, Senator Fox, and others on the other side and perhaps on this side as well, had to take a substantial course over the better part of a year to become familiar with the new Civil Code of Quebec in order to maintain our status as members in good standing of the Barreau du Québec.

The new code has brought about significant changes in Quebec law, a large number of which had to be taken into consideration in federal legislation. This is what prompted the federal government to undertake the harmonization initiative. This harmonization bill, which is before us once again today, Bill S-3, is an opportunity for the federal government to acknowledge once again the important impact that the Civil Code of Quebec has on the application of federal legislation in Quebec.

[Translation]

Canada is a rich and diverse country, with a unique legal landscape. Canadian federal law benefits from both bilingualism and bijuralism, which is the coexistence of two great legal traditions, common law and civil law.

[English]

This bill is part of the Department of Justice's ongoing commitment to the harmonization initiative, which involves reviewing federal law to ensure that federal statutes and regulations that use provincial or territorial private law concepts are compatible with both the common law and the civil law where necessary. This is an ambitious, albeit tedious and painstaking, undertaking. While federal legislation has, since its beginning, generally taken into account the common law tradition, it has not always taken into account the civil law tradition. The harmonization initiative is intended to rectify this

gap between the federal and the civil law by revising the entire statute book. The initiative is also intended to make sure that all new acts and all new regulations take into account the common law and the civil law traditions where necessary.

There are many examples where a word used in a statute may have one meaning in the civil law of Quebec and another meaning in the common law. The most commonly cited example — but as I said, at the committee the last time round we heard many others — is the word “mortgage.” “Mortgage” is loosely translated from English versions of statutes into French as “hypothèque.” However, “mortgage” also translates in English into “hypothèque.” Part of this initiative is to ensure that when a statute is using the word “hypothèque” in English, it is translated into “hypothèque” in French. When the French version comes first in the statute, the French word “hypothèque” is used, and when the English follows, the English word is used first, and vice versa. It is interesting. We had a didactic discussion last time around, but I bought into the process. If one looks at the jurisprudence, it does away with a lot of anomalies and uncertainties in the law as between our two great systems.

[Translation]

In this way, the harmonization initiative ensures respect of the equality of the Canadian legal system and the four legal audiences, namely francophone users of civil law, anglophone users of civil law, anglophone users of common law and francophone users of common law.

Honourable senators, it is important to remember that all Canadians benefit from harmonization. Not only does harmonization enable Quebecers to identify more with federal legislation, but it also clarifies federal statutes, which become more respectful of institutions proper to the civil law or the common law. In addition, it makes the application of federal legislation more efficient, which should improve the overall effectiveness of the administration of justice in Canada.

(1530)

The view of our Conservative government is clear: Harmonization is essential to provide all Canadians with equal access to the law.

[English]

Honourable senators, there was broad consultation by the people in Justice with the provinces, the various other stakeholders and more than 350 parties who could actually be affected by the bill. The comments received during these consultations were very positive indeed.

Honourable senators, let me quote some of those comments.

[Translation]

For instance, Quebec's Justice Minister said:

Once again, Quebec's Justice Department can only support the policy of legislative bijuralism underlying your new harmonization initiative. This policy recognizes the contribution that the civil law tradition makes to Canadian law, while also ensuring that the concepts and rules of civil law are applied in Quebec when there is a need to complete

federal law. Certainly, it is desirable to harmonize federal and Quebec legislation in terms of the concepts, institutions and terminology of private law. In fact, it seems necessary in order to ensure that individuals and businesses do not lose rights because of gaps in the legislative approach or the uncertainties that it could produce.

[English]

From the dean, as he then was, of the faculty of law at McGill, who is now the Honourable Nicholas Kasirer, judge at the Court of Appeal of Quebec:

[Translation]

I am following the justice department's important work on bijuralism with great interest. I feel that this work will make a significant contribution to the advancement of law, and your department must be very proud.

[English]

From Ontario's Attorney General, quite succinct: “This is meticulous, time-consuming work. . . . Keep up the good work!”

Honourable senators, the government has been doing just that. Since the first two harmonization acts were adopted, the government has introduced and Parliament has adopted a number of other harmonizing amendments included in ordinary amending acts. As well, Parliament has recently adopted a number of new laws that were drafted according to the principles of bijuralism.

In closing, honourable senators, I wish to emphasize that the changes resulting from harmonization are technical and terminological. They will not change the substance or the substantive meaning of the laws or the statutes affected, but let me assure senators they are nonetheless very important for the reasons I have outlined.

I would also like to emphasize the fact that harmonization and legislative bijuralism will lead to greater respect for our two great legal systems and traditions and our two official languages. This is a clear indication of our Conservative government's desire to collaborate with the provinces and territories. By incorporating provincial and territorial private law terminology into federal legislation when and where necessary, the federal Parliament respects the role of the provinces and territories in the areas of property and civil rights.

Honourable senators, I thank you very much for your attention, and I urge you to fully support Bill S-3 by approving second reading and referring it to the Standing Senate Committee on Legal and Constitutional Affairs for yet another study and sober second thought.

(On motion of Senator Hervieux-Payette, debate adjourned.)

[Translation]

BUSINESS OF THE SENATE

MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator LeBreton, P.C.:

That, during the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at the later of 4 p.m. or the end of Government Business, but no later than the time otherwise provided in the Rules, unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
- (c) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 95(4) being suspended in relation thereto; and
- (d) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, if required, immediately prior to any adjournment but no later than the time provided in paragraph (b), to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to the government motion to change the commencement time on Wednesdays and Thursdays and to effect Wednesday adjournments.

First, I would like to thank my colleagues for giving me the opportunity to participate in the debate on this motion. I was working elsewhere on other business when Senator Carignan spoke to this motion. In light of the huge repercussions this could have on the way that we in the Senate organize our work, I am happy to be able to speak on this topic.

I am very disappointed that we have to debate this motion. Usually, changes to our existing order of business are brought forward with the agreement of everyone, with the unanimous consent of senators. However, this is unfortunately not the case today.

[English]

The motion before us calls for a variation in our normal times of sitting on Wednesdays and Thursdays for the balance of the current session. As we all know, rule 5(1)(a) provides that on Wednesdays and Thursdays we begin our day at 2 p.m.

The rules then require us to remain in session until we complete the Order Paper. If we have not gone through the Order Paper by 6 p.m., we automatically adjourn for the dinner break. We return at 8 p.m. and rule 6(1) provides that if we are still dealing with business at midnight, the Senate adjourns automatically to the following day.

These are the rules under which we meet. The routine that has been established for Wednesday and Thursday sittings has been in place long before most of us were called to this chamber. However, starting almost 20 years ago, the Senate occasionally passed a motion to reconvene on a particular Wednesday at 1:30 p.m. instead of 2 p.m. For example, on Thursday, February 8, 1999, Senator Molgat gave notice of the following motion: "When the Senate adjourns today, it do stand adjourned until tomorrow Wednesday, February 9, 1999 at 1:30 p.m." Earlier that day, he explained his proposal as follows:

Honourable senators, as a result of a discussion with my honourable friends opposite, there is agreement to continue the practice that was in place during the last session of Parliament of having a "short" Wednesday. In other words, when the Senate adjourns on Tuesday, it will meet at 1:30 p.m. on Wednesday. The understanding is that we will finish at three o'clock, after which committees can meet.

Senator Molgat sought leave to have his motion dealt with immediately, received leave and then had his motion passed unanimously, without debate or even comments of any kind.

Similar motions were occasionally made during that Parliament and during the following Parliament, the Thirty-sixth Parliament. For example, on Tuesday, November 23, 1999, the Deputy Leader of the Government at the time, Senator Dan Hay, moved that when the Senate adjourned that day, it stand adjourned until Wednesday, November 24 at 1:30 p.m. His motion was adopted unanimously, without debate.

[Translation]

Although most of us present here today were not members of the Senate at that time, I have been told that the reason for periodically seeking an earlier start time on Wednesdays was to give our committees, which meet on Wednesday afternoons after the Senate rises, a little more certainty with respect to their start times. This in fact was highlighted on Tuesday, March 13, 2000 when the Deputy Government Leader at the time, Senator Robichaud, not only introduced a motion to reconvene the Senate at 1:30 p.m., the following day, but his motion, for the first time as far as I could discover, called on the Senate to adjourn at 3:30 p.m. on Wednesday even if the business of the Senate had not been completed. He did not distinguish between government business and other business.

• (1540)

Senator Robichaud's motion was adopted unanimously without comment or debate. The next major development in trying to better accommodate the needs of our committees occurred later that same year when Senator Robichaud introduced the following motion:

That, for the remainder of the current session, when the Senate sits on a Wednesday or Thursday, it do sit at 1:30 pm, and that Rule 5(1)(a) be suspended in relation thereto.

His proposal was, with leave, brought forward for consideration and was adopted unanimously without debate. So for the remainder of the first session of the 37th Parliament, no longer was it necessary to periodically move individual motions to have the Senate convene at 1:30 p.m. instead of 2 p.m. on Wednesdays and Thursdays.

[English]

The experience proved such a success that the same motion was adopted unanimously on October 3, 2002, for the purpose of the second session of that same Parliament. However, this motion, which once again was introduced by the then Deputy Leader of the Government, the Honourable Senator Robichaud, only dealt with the start time. It was the then Leader of the Opposition, the Honourable Senator Lynch-Staunton, who prompted the Senate to take the next step. One month later, on November 3, 2003, he moved a motion for the remainder of the session stating that if the Senate was still conducting business at 4 p.m. on a Wednesday, it would be “suspended until 8 p.m. so as to allow the committees to sit.”

Senator Lynch-Staunton explained his proposal as follows:

The point is simply to allow committees to know that on a Wednesday they can fix the beginning of their hearings at a set hour,

The committees will know on a Wednesday if they want to do business and their time slots so allow, that instead of waiting for the Senate to adjourn, they can tell their witnesses and whomever else is interested in their proceedings that at four o'clock at the latest, the committee hearings will begin.

After Senator Lynch-Staunton spoke, Senator Robichaud rose and stated: “We support the motion” and following some technical adjustments to the language, the opposition leader’s motion was adopted unanimously by the Senate. This new certainty with respect to the time of adjournment on Wednesdays was so successful that for the following Third Session of the Thirty-seventh Parliament, the Senate, on February 23, 2004, unanimously passed a motion for the Senate to adjourn no later than 4 p.m. on Wednesdays for the balance of the session. No longer was there a provision that the Senate would return at 1 p.m., and the regular 2 p.m. start time was not changed that session.

During the following First Session of the Thirty-eighth Parliament, everything was brought together in one neat package by then Deputy Leader of the Government, the Honourable Senator Rompkey. He introduced a motion for the Senate to sit at 1:30 p.m. on Wednesdays and Thursdays and for the Senate to automatically adjourn at 4 p.m. on Wednesdays. His motion was adopted unanimously on November 2, 2004, without debate. Identical motions were unanimously adopted on April 6, 2006; October 18, 2007; November 25, 2008; February 10, 2009; and April 15, 2010.

I have placed on the record the detailed history of how we, as a body, have made adjustments to our normal sitting schedule in order to emphasize that these adjustments have always been made in the spirit of cooperation. The record I have set out

dating back to 1994 covers periods when there was a Liberal government in this chamber facing a Conservative majority, a Liberal government facing a Conservative minority, and a Conservative government facing a Liberal majority. In all of these formulations, there was one constant: adjustments to our sitting schedule were agreed to unanimously by all senators.

Today, we have a different dynamic in the Senate — a Conservative government facing a Liberal minority — and for the first time consensus and unanimity are not required. The current government leadership in the Senate is saying that the Liberals, when in a majority position, were foolish to seek their agreement when considering adjustments or variations to the normal proceedings of this chamber because now that the tables have been turned, the consensus and unanimity that they expected and were offered by Liberal majorities in this chamber are simply ancient history. It is for this reason that I seriously regret the necessity of speaking to Senator Carignan’s motion, in this new era where, apparently, might is right is to now govern our proceedings.

With respect to the substance of what has been proposed, Senator Fraser clearly articulated our concerns about this motion in her brief speech in this chamber on Wednesday last week. As stated they are twofold; first, this motion implicitly says that government business matters more than our other business; and second, it would deny Senate committees the certainty they need in order to carry out their vital functions in the legislative process.

As I have explained, we have long supported the parts of this motion that would allow the Senate to sit one half hour earlier than usual on Wednesdays and Thursdays and that would allow us to adjourn on Wednesdays at 4 p.m. Senator Carignan has stated that the purpose of this motion is to increase the efficiency of the Senate, and I wholeheartedly agree that those elements I just mentioned in the government’s motion do indeed enhance our efficiency in this chamber. Where I disagree with Senator Carignan is their addition that when the Senate sits on a Wednesday, it stand adjourned: “. . . at the later of 4 p.m. or the end of Government Business . . .” This addition clearly implies that government business is of greater value than this chamber’s other business. While this chamber orders its affairs in such a way so as to give precedence to government business, nowhere in the *Rules of the Senate* does it state that government business matters more than our other business. In fact, Senate private bills, Senate public bills, inquiries and motions all have the same value in the eyes of this chamber. That is why when we sit, we go through the entire *Order Paper and Notice Paper* unless, because of special circumstances, the Senate has agreed otherwise.

To that end, I find Senator Carignan’s statement regarding the government’s motivation for this motion all the more confusing. He stated: “when we are sitting, we must make the most of the time we have to examine bills.” If that were the true motivation, the government would not have put forward a motion that seeks to advance only their own bills, motions and inquiries. It is clear that the government is concerned exclusively with efficiency when it comes to its own legislative agenda.

[Translation]

Our second criticism of this motion — that it would deny Senate committees the certainty they rely on in order to carry out their duties — is an equally important point. If this motion were

to pass, it would mean those senators that sit on committees meeting at 4:15 p.m. on Wednesdays would have to choose between their chamber duties and their committee duties. Though this dilemma would be particularly acute for the opposition as our numbers diminish, I believe this is a concern for all honourable senators, who value their legislative work in the chamber and committee in equal measure.

With the passage of this motion, should we be in the position where the Senate sits past 4 p.m. in order to conclude government business, Senator Fraser astutely pointed out when she spoke on this issue that we would be doing so in order to deal with something that requires substantially more debate than is usual for a Wednesday.

In order to illustrate her point she used — and rightly so, in my opinion — the example of the government's crime legislation. As the government has a nearly obsessive focus on crime legislation, with the passage of this motion, there could be many occasions where such bills are being debated on Wednesday evenings, both in the chamber and in the Senate Committee on Legal and Constitutional Affairs, which meets at that time. Our esteemed colleagues that sit on this committee should not have to choose between their work in committee on one important crime bill and making a contribution to the debate in the chamber on a companion piece of legislation of equal importance to Canadians.

[English]

Forcing such a choice would be to the detriment of the legislative process and to the detriment of Canadians who expect and rely on us to be the chamber of sober second thought, not a rubber stamp.

• (1550)

It is a long-standing practice of the Senate not to allow the chamber and committees to sit at the same time. Though it does sometimes happen that a Senate committee sits while the chamber is sitting — for example, if the schedule of a minister requires a committee to meet outside its normal time, as was the case last week and again today — those are special exceptions to the general rule, agreed upon by all senators.

Though we did agree to pass a similar motion to the one currently before us back in June, this was again an exception to our general rule to facilitate the passage of government bills before the summer adjournment. We stated at that time, and I will state again, that we understand that there will be situations where the passage of such a motion might be called for. However, this should occur on a case-by-case basis and not as a new rule of general application.

It is for the aforementioned reasons that we oppose this motion as worded.

[Translation]

Honourable senators, I note that my time has expired. May I request an additional five minutes, please?

[Senator Tardif]

[English]

The Hon. the Speaker *pro tempore*: Is leave granted for another five minutes, honourable senators?

Hon. Senators: Agreed.

Senator Tardif: We are happy to discuss with the government on a case-by-case basis, an exception to the general rule so that the Senate could sit until the end of government business. On Wednesdays should it pass 4 p.m., but we will not issue a *carte blanche*. That is not in the best interests of Parliament's legislative process that, as I am sure honourable senators on both sides of the chamber will agree, receives enormous benefit from the work carried out by senators in the chamber and in committee.

If the government truly wishes to make such a fundamental change to our traditional way of conducting business, I believe it would be useful if we could have the expertise that is found in the Rules Committee brought to bear on the proposal.

MOTION IN AMENDMENT

Hon. Claudette Tardif (Deputy Leader of the Opposition): Consequently, pursuant to rule 59(2), I move:

That this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report.

The Hon. the Speaker *pro tempore*: Are honourable senators ready to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Honourable Senator Comeau, debate on the amendment?

[Translation]

Hon. Gerald J. Comeau: Honourable senators, I listened closely to Senator Tardif's story of a more heroic time. I remember well.

Each day we were given a document that informed us of that day's proceedings. Generally speaking, it was three or four pages long. Now, the Daily Routine takes up a couple of pages. Government Business is a couple of pages and there is perhaps a page-and-a-half of Other Business.

If we look at today's document, we are on page four, under Government Business. Then, pages 5, 6, 7, 9, 10, 11 and contain motions and the Notice Paper, and on it goes to page 12.

During that heroic era that Senator Tardif spoke of, there were not this many topics on the Orders of the Day. In today's Order Paper, under Other Business, we see:

[English]

"Resuming debate on the motion of the Honourable Senator Cordy" in relation to Bill S-204 under Senate Public Bills; No.

Bill S-203 by Senator Hervieux-Payette, the intent of which is to allow private boards to name their members; and Bill S-202, which would establish a registry of medical devices. Senator Di Nino has been here, and then we have Senator Mitchell with a carbon offset tax credit.

If we go to the Notice Paper, on one page alone Senator Jaffer has five motions in a row. This is not what used to be the order of the day of the times in regard to which Senator Tardif makes a motion. She indicates to us that we should be placing the same priority on those private interests of senators.

As important as these public discussions may be to them — and I am not saying they are not important public discussions — there is a distinction to be made between government business and the business of a private senator like Senator Harb, who wants a registry of medical devices. It may, in fact, be important, but is it government business? Is this the business of the nation? I should say not.

Senator Mitchell: It is the business of the people.

Senator Comeau: Senator Mitchell is here to do the business of the people.

Some Hon. Senators: Hear, hear.

Senator Comeau: That is interesting — the great representative of the people of Alberta, Senator Mitchell.

Next time you go up for election, Senator Mitchell, we will see whether you are doing the nation's business.

Senator Mitchell: I will run when you run.

Senator Comeau: Maybe sooner than you think. I will take you on and I think I will win.

Senator Mitchell: I bet.

Senator Comeau: Name the riding in Alberta and we will give it try.

Some Hon. Senators: Hear, hear.

Senator Comeau: Let us get back to what we were discussing.

[translation]

The main reason we are here is to debate government business. Unlike the House of Commons, Senate committees are not allowed to meet while the Senate is sitting because the work of the Senate takes precedence over everything else. That is why we are here.

[English]

The reason our committees are not allowed to meet when the chamber is sitting is because this is where the business takes place. We clutter it up with what some individual senators may think are the priorities of the day. It is their opinion, obviously, but I think the nation's business takes precedence over what backbench senators may think are the priorities of the day.

Senator Mitchell: Not in the Senate, it does not. We determine what we do in the Senate.

Senator Comeau: The business of this chamber is more important than what committees are doing. This is why committees are not permitted to sit.

This motion, as presented by my colleague Senator Carignan, says that we are still aiming to wrap up by four o'clock on Wednesdays. However, on occasion we may not have wrapped up government business, the business of the nation, and we may have to go beyond four o'clock.

I am trying to think of a number of occasions where it has happened, but it is very rare when we have not gone through government business by four o'clock.

Hon. Sharon Carstairs: What do you need the change for?

Senator Comeau: You might speak to Senator Tardif and she might tell you the real reasons why the change is being opposed by your side.

• (1600)

I must admit that it does give somewhat of an advantage to government to be able to go to the business of the nation with the certainty that it will not be held up past four o'clock, five o'clock, six o'clock, or what have you. This way, at least we are able to go through Government Business. Once we have gone through Government Business, it is a matter of just wrapping up. That is what this motion says. I do not think there is any intention to try to go beyond four o'clock. On rare occasions, it will happen. However, if it does happen, this provides the government with the possibility to go beyond four o'clock.

I suggest, honourable senators, that we forget the history of the good old days, when we did not have all these private members' bills cluttering up the Order Paper. We dealt with the nation's business. It gave that much more time to committees to sit. We rarely sat, back in those days, past five o'clock, or even 4:30 on Tuesdays because we had gone through the Order Paper. Now, we go quite often past six o'clock because we have not gone through the Order Paper. Honourable senators need only to look at it to see how much clutter there is in it. I call it "clutter;" I probably should not downgrade it. Those senators who do put matters on the Order Paper deeply believe in what they are proposing. Their private members' bills are, to them, the most important thing in the world.

I will not suggest that they are not important, but I recall when there were fewer private members' bills that invariably we would go through the Order Paper quite quickly. Quite often, on Tuesdays, we would be wrapped up by 4 p.m., by 4:15 p.m. or so. That is no longer the case in the past number of years.

I would encourage honourable senators on this side — I know the other side will probably have a different opinion — to vote against this motion that is being proposed.

Hon. James S. Cowan (Leader of the Opposition): Will the honourable senator take a question?

Senator Comeau: Absolutely.

Senator Cowan: Senator Comeau has been in this place much longer than I have and he has served as Deputy Leader of the Government in the Senate and has dealt with these issues on a continuous basis. As Senator Tardif mentioned in her remarks, these issues have been dealt with on a one-off basis. We have accommodated the government on every occasion that I can recall when it has come forward — and we all complain, on both sides, about being jammed at the end of June or just before Christmas — with a number of items that have to be passed before the recess. We have to balance doing our job and yet ensure that the government's business is done, or at least dealt with.

On those occasions the government, and the honourable senator, as representative of the government, has made a case to us that it is important that we sit beyond 4 p.m. today, or next week, or for the next two weeks, to get a particular piece of legislation passed. If memory serves me correctly, we have accommodated on every occasion. I see no reason why we would not do that in the future.

Would the honourable senator not agree with me that this circumstance, which he acknowledges arises only occasionally, can be dealt with quite easily on a one-off basis? Why do we need to forever change rules when the situation only arises occasionally and can be dealt with by accommodation between the two sides of the chamber? Why does that not work for the future as well as it has worked in the past?

Senator Comeau: In fact, honourable senators, this is not a permanent change to the rules. This change is for the duration of this session that we are facing. When we do get either a new Parliament or a prorogation, it returns to what it was before.

As far as accommodations go, every once in a while differences of opinion do occur between the two sides. I am quite sure Senator Tardif will tell honourable senators that on a number of occasions we have not agreed and we have agreed to disagree. When we agree to disagree, this sort of situation may happen.

I do not think it is absolutely entirely out of the ordinary for the government, on occasion, to be able to propose a means by which it can be much more comfortable when dealing with the Order Paper. I think this is one of those cases where the government feels that it is important to be able to go through, on occasion, the full Order Paper. It may not happen that much, but on occasion there are disagreements.

Senator Cowan: If it happens only occasionally, I still do not understand why it cannot be dealt with by negotiation between the two sides as the occasion arises — that is, when you have this particular circumstance and everyone recognizes why that circumstance has to be abided by.

The honourable senator mentioned that the Senate's purpose is to pass government legislation. It seems to me that the purpose of the Senate is much broader than that. Certainly we have to deal with government business — and we do deal with government business — but there is a whole variety of other business that quite properly comes before the Senate. Some of it may come from the other place; some of it may come from senators here, by

way of inquiries, motions, bills, or other means. I think it would be wrong to characterize one aspect of our business as being more important than other aspects.

I have one further comment. The honourable senator mentioned that the purpose was that committees could not sit while the Senate was sitting and had to be here in the chamber to deal with government business. When I first came here I was made aware of the rule that generally committees do not sit while the Senate was sitting. The explanation that was given to me, I recall, at a briefing given by leaders of the government and the opposition, who spoke to all of us newcomers — I think Senator Carstairs was part of that group — was that, unlike the House of Commons, any senator is entitled to attend any meeting of any committee, whether or not they are a voting member. There was a sense that senators ought not to have to choose between attendance at committee and attendance in the chamber. If a senator wanted to sit in the chamber and listen to all of the debates, he or she would not have to leave to attend a committee. When one was in committee, one could focus one's attention on the committee's work without having to worry about missing something in the chamber.

The other point that Senator Tardif makes, which I would emphasize, is about when the balance shifts. It is okay when there are surplus bodies on all sides, but, as the honourable senator would recall, in the not too distant past his party was in the area where we appear to be going now. It was difficult and onerous for him and his colleagues, few as they were, to do all of the work that was required in all of the committees and also do all of the work that was required in the chamber.

There is an element of fairness in all of this that all of us need to consider. When we were in the majority, we did not try to use the muscle of that majority to unduly press or hard press the minority. It seems reasonable that, in this house of sober second thought, colleagues who are now in a different position would want to behave no differently toward their colleagues than we did.

The Hon. the Speaker pro tempore: Honourable Senator Comeau, before you rise to respond to the question put by the Honourable Senator Cowan, your 15 minutes is up. Are you asking for more time to respond?

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Comeau: I will not take long. I appreciate the comment of the honourable senator. He referred to when I was operating without the kind of numbers that I would have liked to have had. I do agree that I had tremendous cooperation from the other side on many issues. I always felt that the other side saw responsibilities clearly and that they acted responsibly. I do not recall too many occasions when the other side did not act in a responsible way.

• (1610)

This does not mean necessarily that we agreed on everything. As I indicated, we agreed to disagree on a number of occasions. What was important is that there was at least a dialogue from both sides and that we were able to sometimes arrive at agreements where we disagreed.

On the issue of non-government business being as important as government business, I have to respectfully disagree. We are here to conduct the nation's business. I am repeating myself somewhat here, but as much as we may want to present private members' bills and we think them to be the most important thing facing this chamber right now, they should not be. There is a level of importance to various types of bills. Government bills, in my humble view, are the most important.

Second — and Senator Tardif and I have discussed this in the past, and I agree with her — bills coming from the House of Commons take on a special importance because they have been passed by the elected legislature on Parliament Hill. We do have to be mindful of the fact that they were passed by the House of Commons. In my estimation, I place them at a lesser value than government bills. However, that is to be debated.

Bills, motions and inquiries introduced in this chamber I place at a lower level again, because they are not presented by the elected people. They are, in my view, more of a private interest that one may have in certain subjects. It does not mean they are not important, and they may, in the grand scheme of things, be more topical than a government bill. However, in my view the government should present bills and have the priority on bills. If there is any time left, yes, we will spend it on other types of bills, motions and inquiries, but I think the business of the nation belongs with the government. If one does not like that, it is a matter of changing the government down the road.

Honourable senators, I will not change my mind on this. I still think the Order Paper is much too heavy with private members' bills, motions and inquiries and so on, which takes a huge amount of our time. If we were to read all of these private bills and so on that are placed before us, it would take away from our time to deal with what in my view are bills that impact the treasury, that impact people's freedoms, and these are the types of bills that come from the House of Commons, from the government. They arrive here and sometimes we are so busy on some of these private bills that we do not have time to spend on them, which is what we need to have.

I believe Senator Carstairs will tell you that back in the good old days, when we did not have all these bills, we had more time to spend on government bills. Most senators in this chamber used to actually read most of the bills that were before us because we did not have as many. Now we are spending less and less time on these things and spending more time looking at Senator Harb's registry of medical equipment or Senator Hervieux-Payette's banking law or her bill to tell corporations who they should have in their board of directors. It means we have to spend our time on these things, which in the past we did not have to.

Honourable senators, I am unapologetic that I do place more importance on government bills than I do on these types of bills.

Senator Cowan: The honourable senator will agree with me, he said himself that —

The Hon. the Speaker pro tempore: Honourable Senator Carignan on debate on the amendment.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I disagree with the motion to refer the question to the Committee on Rules, Procedures and the Rights of Parliament. I have a great deal of respect for the members of this committee but the motion currently before us states that this rule applies for the session only.

Senator Tardif objects, saying that a permanent rule, which would always apply, should not be established and that it should be dealt with on a case-by-case basis. If the motion is sent to the Rules Committee, it would be to permanently change the rule. I see a contradiction between the speech, in which it was said that a permanent rule should not be established, and the motion to send this motion to the Rules Committee.

Second, this motion applies to this session only. The Rules Committee currently has a lot of work to do. Among other things, on Thursday morning, the subcommittee must table its report on the comprehensive reform of the French and English versions of the *Rules of the Senate*. This motion would be added to the committee's work. Clearly, the committee cannot treat the motion as a priority, so sending it to the Rules Committee would be to kill it immediately, not adopt it.

I would like to come back to exceptional or case-by-case motions. Last week, an exceptional motion was presented. Today, there was another. If exceptional motions are presented at every sitting or every week, it would be just as well to pass a motion for the session that would establish the rule in a clear, straightforward, precise and predictable manner for both senators and Senate administration.

I am therefore opposed to Senator Tardif's motion to send this motion to the Committee on Rules, Procedures and the Rights of Parliament.

Hon. Fernand Robichaud: Honourable senators, does the Deputy Leader of the Government realize that today's exceptional motions had nothing to do with the motion about Wednesdays? It is just that today, the minister was supposed to appear before the committee and there was a chance that the Senate would still be sitting. I believe that the example provided does not apply in this case.

An Hon. Senator: Question!

[English]

The Hon. the Speaker pro tempore: Further debate on the amendment? Honourable Senator Robichaud.

[Translation]

Senator Robichaud: Honourable senators, I think it is incredible sometimes how we can manage to complicate things that are often quite simple. The matter before us is simple. Perhaps I am old-fashioned, because I have been here for some time, but I have had the privilege of serving as the deputy leader of the government and I have discussed this issue on a number of occasions with those in charge in the opposition — the leader of the opposition

and the deputy leader. We always came to an understanding and came up with the circumstances under which the rules and changes would apply. But we began with a simple exception whereby the Senate would adjourn its proceedings at 4 p.m. in order to allow the committees to convene.

I remember that whenever the Senate had to sit later than 4 p.m., Senator Stewart would be furious. He would say, "We have invited witnesses to appear before the committee and now we have to tell them that we cannot receive them because the Senate is still sitting." That happened quite often.

• (1620)

This is why we adopted the change that the Senate would adjourn at 4 p.m., a change that was meant to apply for only one session. However, each time this motion is moved, another clause is added, for example, that committees be authorized to sit, even if the Senate is then sitting, and now there is talk of sitting until the end of Government Business, so we would sit later. Every time we discuss this change, a new clause or subclause is added.

I understand the Deputy Leader of the Opposition's intent in wanting to send Senator Carignan's motion to committee to be examined. And when Senator Carignan said that the committee's report could include a permanent change to the rules, I do not believe that is the case. The report could come back and recommend some courses of action that, I believe, would satisfy both sides. I think that the Rules Committee could take the time needed to examine the motion.

I see a lot of merit in the idea of sending the motion before us to committee so that the committee may table a report as soon as possible, without, I believe, delaying the work of this honourable chamber.

[English]

Hon. Anne C. Cools: Honourable senators, I had wanted to ask a question of Senator Tardif, because the nature of the motion now before the house is substantially altered by Senator Tardif's amendment to refer the motion to the Rules Committee. I had wanted to ask her about the reasons why this matter should go to the Rules Committee. This is such a fundamental Senate matter and one that has not been properly debated in this place for quite some time. Senator Tardif, in her remarks, made reference to the fact that many of these motions have passed without debate. I welcome the debate, which I think is so healthy and wonderful for the institution that I have no appetite to refer the motion to committee.

Senator Tardif speaks of consultations and unanimity. I am a member of no committee. I am the most senior senator in this place, and I am a member of no committee.

Senator Stratton: Talk to your leader.

Senator Cools: I have none. God — that is it.

I am reluctant to send this motion to committee. This is the place to settle these matters.

[Senator Robichaud]

Honourable senators, returning to the issue of consultation and harmony of senators, we should note that most senators agree and have agreed for quite some time that the Senate should wound up by 4 p.m. on Wednesdays. The wish to begin at 1:30 p.m. on Wednesdays and to end by 4 p.m. on Wednesdays allow committees to sit has come not from high principles but rather from the fact that most senators want to conclude the business of the Senate between Tuesdays and Thursdays. Even now and again when the issue of sitting routinely on Mondays and Fridays would raise its head, it would always be resolved by beginning earlier on Wednesdays and Thursdays and ending earlier on Wednesdays for committee sittings. If we want to look at history, we should look at that.

I want to be mindful, though, that the reason for no intervention today is that I wish to speak to this matter in a more fulsome way. Having said that I have no appetite for sending this matter to committee, I would like the opportunity to speak to the motion. Therefore, I move the adjournment of the debate.

The Hon. the Speaker pro tempore: It has been moved by Senator Cools, seconded by Senator Robichaud, that further debate on this motion in amendment be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed to the motion, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: Honourable senators, the yeas have it.

And two honourable senators having risen:

Senator Cools: Honourable senators, the process is such that if an adjournment has been denied, the Speaker then turns to the senator who was denied to inquire whether they wish to speak now.

The Hon. the Speaker pro tempore: I saw two senators rise. Have the whips consulted on the length of the bell?

Senator Munson: One hour.

Senator Marshall: One hour.

The Hon. the Speaker pro tempore: Honourable senators, there will be a one-hour bell. The vote will be at 5:25 p.m. Call in the senators.

(The sitting of the Senate was suspended.)

(1720)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

allbeck	Lovelace Nicholas
haput	Mahovlich
ools	Mercer
ordy	Merchant
owan	Mitchell
awson	Moore
ay	Munson
yck	Peterson
ggleton	Poulin
airbairn	Ringuelette
raser	Robichaud
arb	Sibbeston
ubley	Smith (<i>Cobourg</i>)
oyal	Tardif
osier-Cool	Zimmer—30

NAYS
THE HONOURABLE SENATORS

ndreychuk	Manning
ngus	Marshall
taullahjan	Martin
oisvenu	Meighan
raley	Meredith
razeau	Mockler
rown	Nancy Ruth
arignan	Neufeld
hampagne	Nolin
ochrane	Ogilvie
omeau	Oliver
emers	Patterson
i Nino	Poirier
ickson	Raine
uffy	Rivard
aton	Runciman
nley	Seidman
ortin-Duplessis	Smith (<i>Saurel</i>)
rum	St. Germain
erstein	Stewart Olsen
reene	Stratton
ousakos	Tkachuk
ang	Verner
Breton	Wallace
acDonald	Wallin—50

ABSTENTIONS
THE HONOURABLE SENATORS

• (1730)

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment moved by the Honourable Senator Tardif, seconded by the Honourable Senator Cowan. On debate?

[*Translation*]

Senator Carignan: Honourable senators, I believe that this issue has been thoroughly examined. I would therefore ask that we proceed to a vote.

[*English*]

Senator Cools: Honourable senators, am I the only senator who wishes to speak? I would have thought the subject matter was of such a profound nature that large numbers of senators would be scrambling to their feet to defend the important questions that are before us.

Honourable senators, I want to make a few points, but I have had no time to prepare. I indicated that I wanted to take the adjournment because I thought that there were very deep, profound and fundamental parliamentary questions at stake. I would have liked a few hours to research them.

I would also like to make it quite clear, honourable senators, that it is my normal practice in this place not to vote in favour of denying senators adjournments. As the Honourable Senator Comeau knows, and anyone who has known me here for a long time knows, the principle of this place is to facilitate debate, to promote debate. The rules are supposed to promote and to foster debate, not to truncate and curtail it. However, I found myself in the interesting situation just now where I was about to abstain on the vote. Then I realized that I had moved this motion and thus I had to vote for it, so I did.

Lest anyone be confused, please do not be. I will try to be clear. I am against sending this motion to the Rules Committee. My reasons are deep and long and profound. A small one is the fact that I would have no role whatsoever in that committee study, as most of us will not. About a year ago, that particular committee adopted a very strange position on the phenomenon of Senate committees meeting while the Senate was then sitting. As a matter of fact, a ruling appeared out of thin air, apparently based on a point of order that someone claimed I had raised, which I never had raised. That ruling essentially said that subcommittees, our committees, could meet while the Senate was then sitting. Therefore, I have my good reasons.

That aside, I always say that the best policy is that issues be settled in a manly way, by senators on the floor of this house, in debate based on principle and reasoned arguments. I have a penchant for standing consistently, and that is where I stand today. I wanted the opportunity to debate and speak to this matter, but I am opposed to its substance, being the motion going to the Rules Committee. I do not think it is a desirable or a helpful thing.

Honourable senators, I want to make a few small points, as unprepared as I am. First, there is no question in this place that government business takes precedence over all business of the

Senate. There is no doubt about that whatsoever. If I could refer to our rule book, the current version of the *Rules of the Senate of Canada*, rule 26, at page 30, the margin notes say "Orders of the Day." Rule 26 states:

Unless otherwise ordered by the Senate and except as provided elsewhere in these rules, the Orders of the Day shall take precedence over all other business according to the following order of priority:

This has been in our rules for quite some time now, namely that government business takes precedence over all business. That is no surprise. Governments have the authority and the right to expect that. I shall continue. This was just the first part of rule 26. Rule 26 continues:

(1) Government Business:

- (a) Orders of the Day for the third reading for government bills;
- (b) Orders of the Day for the consideration of reports from committees in relation to government bills;
- (c) Orders of the Day for the second reading of government bills;
- (d) Orders of the Day for the consideration of government motions; and
- (e) Orders of the Day for the consideration of other government business.

Honourable senators, I now move on to rule 26(2). I was just reading rule 26(1) and its subsections. Rule 26(2) states:

- (2) Other business shall be considered after government business has been disposed of for that sitting in the following order of priority, except as provided in rule 6(4):

Then it continues to list subparagraphs (a) and (b). I repeat:

- (2) Other business shall be considered after government business has been disposed of for that sitting in the following order of priority, except as provided in rule 6(4):
- (a) Orders of the Day for third reading of Senate public bills;
 - (b) Orders of the Day for the third reading of Commons public bills;

It is not a novel thing at all, honourable senators, that government business takes priority. I expect a government to take its business seriously, and I expect a government to wish to pilot its affairs through the chamber, through the house. However, I do expect a government as well to take note that we are all equal as senators and that no senator has priority over another senator. Government business does, but no senator has priority over another senator.

Honourable senators, this was the most important thing wanted to put on the record as a plea to the Senate as a whole in a manly way, to resolve these questions on the floor by debate based on principles, ideas and concepts that are widely understood and known to us.

Honourable senators, they tell me that I am the senior senator as of a few days ago. I have seen a lot of these motions over the years, and I have to say that every time one of these motions comes in, it has an additional clause. These motions grow like Topsy. The objective of this motion, ostensibly, is to create Senate order, for a temporary period of time, that on Wednesday the Senate ordinarily will sit from 1:30 until 4 p.m. There is very little disagreement in this place about that or about the need for that. That has been widely agreed upon and widely accepted for many years. I agree to that heartily, and I would agree to that today.

• (1740)

However, the problem with the way this motion is written, and one of the reasons that conflict has grown, is that a proper motion should address only one distinct proposition. This motion is a collection of several different and distinct propositions, each of every one of which deserves to be debated on its own merits and should really be separate motions.

In other words, a senator may agree with one of the propositions, or two or three, but not the rest.

Perhaps we should look at how we draft these motions. Perhaps we should look at who drafts them, and perhaps we should look at some basic drafting principles. I have to say the wording of some of these motions is almost indistinguishable, which means that either the same person writes them year after year, or that some person has been copying from the others.

Honourable senators, this particular motion before us today introduces a new concept. As I said earlier, these motions have been growing like Topsy over the years. The number of propositions that are included and involved has also been growing. That is wrong, honourable senators, and a majority makes it no more right. No eagerness to vote against a senator speaking makes it right either. I expect colleagues to stand on principles and on righteousness.

Honourable senators, it is wrong to do this. It is wrong to presume the house's cooperation and agreement by including additional propositions every time in the hopes that maybe the senators will not notice.

Honourable senators, let me quote the totally new proposition that is in this motion, which was not even in the similar motion of June 14, 2011. I did not have the time to do the kind of diligent work that is required. There is no time. You have to ask yourselves why that is. Why is there no time to do this?

Motion No. 11 at page 4 of the Order Paper has four subsections: (a), (b), (c) and (d). The interesting thing is that this motion is so rushed and hurriedly written that it does not even allow us to adopt the propositions contained therein, but that is another matter for another day.

If senators look, they will see paragraphs (a), (b), (c) and (d). I did not have time to review earlier forms of this motion. I did not have time to review Senator Tardif's remarks. Notice that the motion of June 14, in paragraph (a) is the same, almost verbatim; paragraph (b) is the same, virtually verbatim. However, paragraph (c) is totally new; and paragraph (d) is the former paragraph (c) from last time, June 14, 2011. Therefore it bears putting this on the record. In Motion No. 11, paragraph (c) states:

(c) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 95(4) being suspended in relation thereto . . .

Honourable senators, let us go to rule 95(4) which states:

A select committee shall not sit during a sitting of the Senate.

Paragraph (c) is a new proposition totally, not present in the motion of June 14. It is a new proposition being introduced as a matter of routine. Many of us over the years have stood soundly and firmly on this principle because we have not wanted to be like the House of Commons, where the quorum bells ring early and often because there is often no quorum in the house because members are in committee. Sometimes members will spend long hours writing speeches, months sometimes, and speak to a house empty of members with no one listening.

The Senate has always resolved that when committees need to sit while the Senate sits, the Senate will mostly grant the exceptional power to sit. However, there are many in this place, and I know there are large numbers of staff, who want that permission to be automatic. I do not see that it is a difficult proposition that when a chairman of a committee or that committee wants to sit while the Senate is sitting, to move the necessary motion to obtain permission.

Senator Comeau has moved countless numbers of such motions. I do not think that that is too difficult a thing, or too hard for us to have debated the principle of this motion, and whether we want the chamber to be emptied of senators while it is sitting if things do not go the way they should. I do not think that is our intention. I would have liked to see some debate.

The problem, as far as I am concerned, is that part (c) could easily have been deleted and the government lose nothing. The intention of the motion is singular. The intention of this process is to allow us to sit at 1:30 p.m. on Wednesdays and leave at 4 p.m. on Wednesdays for committees to sit. In other words, our Senate speaker knows that at four o'clock he is supposed to leave the chair.

Honourable senators, I do not understand how such a new proposition could be introduced into this house with no mention of it, and absolutely with no debate. I am confident that if that matter were debated we would find that that motion is repugnant to many senators on both sides of the house.

I want to make it clear. I am speaking for myself. I occupy the position of being an independent, and that is quite fine with me. I also know that someone here has taken decisions that

independent senators cannot sit on committees. I just put that point to you. I wanted the opportunity to speak with sufficient research. Honourable senators, that is not a big thing.

The Hon. the Speaker: Honourable senators, I think it is understood that the honourable senator is asking for an extension of her 15 minutes.

Hon. Senators: Agreed.

The Hon. the Speaker: It is agreed: five minutes.

Senator Cools: Honourable senators, I feel very strongly about this Senate. I feel deep respect for the leadership on the other side, and deep respect for the leaders on the other side of me — they are both on the other side, really — but I do believe that we should give these matters more time and more care, because the position I am now placed in is that I have to either abstain or vote against the motion although I agree with the thrust of the motion. We want the Senate to sit at 1:30 p.m. on Wednesdays and be finished at 4 p.m., but I am reluctant to agree to a motion that says that from now until whenever — and I will come to the whenever in a minute — every Wednesday, routinely as a matter of course, the Senate could be emptied of members so that committees can sit.

Honourable senators, we have operated by the Senate granting permission to committees to sit for many years, and it has never bothered anyone. It has never hurt anyone. As a matter of fact, it is a healthy thing because it keeps members, especially new members, in touch with this magnificent process.

That is all I wanted to say. I just wanted to be able to say that I supported the government motion about Wednesday sittings and I opposed the opposition motion to send it to committee. I fully agree that the government has priority. The government should be able to move its business through, and we should sit at 1:30 p.m. and be finished by 4 p.m. except when unusual things happen. I do know how life is and the nature of life is that it is full of misunderstanding.

• (1750)

Maybe there is a misunderstanding. I would have preferred to speak with more authority than that with which I speak. It is not in my nature to speak without doing some study and research. In any event, I have provided a cameo of my concerns. If we want to maintain the integrity and stability of this institution, we would do well to adhere to basic principles.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: It is moved by the Honourable Senator Tardif, seconded by the Honourable Senator Cowan, pursuant to rule 59(2), that the main motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report.

All those in favour of the motion, will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Contrary minded, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

Hon. Jim Munson: Honourable senators, pursuant to rule 67(1), I request that the vote be deferred to the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, the opposition whip has asked that, pursuant to rule 67(1) of the *Rules of the Senate*, the vote be deferred until 5:30 p.m. tomorrow. So ordered.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY PROVISIONS
AND OPERATION OF THE ACT TO AMEND
THE CRIMINAL CODE (PRODUCTION OF RECORDS
IN SEXUAL OFFENCE PROCEEDINGS) AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. John D. Wallace, pursuant to notice of September 29, 2011, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report

on the provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Third Session of the Fortieth Parliament be referred to the committee; and

That the committee report to the Senate no later than June 30, 2012 and retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(October 4, 2011)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services
	Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Human Resources and Skills Development
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
	Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Peter Van Loan	Leader of the Government in the House of Commons
The Hon. Jason Kenney	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food
	Minister for the Canadian Wheat Board
The Hon. Christian Paradis	Minister of Industry and Minister of State (Agriculture)
The Hon. James Moore	Minister of Canadian Heritage and Official Languages
The Hon. Denis Lebel	Minister of Transport, Infrastructure and Communities
	Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Leona Aglukkaq	Minister of Health
	Minister of the Canadian Northern Economic Development Agency
The Hon. Keith Ashfield	Minister of Fisheries and Oceans and Minister for the Atlantic Gateway
	Minister of the Environment
The Hon. Peter Kent	Minister of Labour
The Hon. Lisa Raitt	Minister of National Revenue
The Hon. Gail Shea	Minister of Aboriginal Affairs and Northern Development
The Hon. John Duncan	Minister of Veterans Affairs
The Hon. Steven Blaney	Minister of International Trade
The Hon. Edward Fast	Minister for the Asia-Pacific Gateway
	Minister of Natural Resources
The Hon. Joe Oliver	Minister of Intergovernmental Affairs
The Hon. Peter Penashue	President of the Queen's Privy Council for Canada
	Associate Minister of National Defence
The Hon. Julian Fantino	Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie)
The Hon. Bernard Valcourt	Minister of State and Chief Government Whip
The Hon. Gordon O'Connor	Minister of State (Small Business and Tourism)
The Hon. Maxime Bernier	Minister of State of Foreign Affairs (Americas and Consular Affairs)
The Hon. Diane Ablonczy	Minister of State (Western Economic Diversification)
The Hon. Lynne Yelich	Minister of State (Transport)
The Hon. Steven John Fletcher	Minister of State (Science and Technology)
The Hon. Gary Goodyear	(Federal Economic Development Agency for Southern Ontario)
	Minister of State (Finance)
The Hon. Ted Menzies	Minister of State (Democratic Reform)
The Hon. Tim Uppal	Minister of State (Seniors)
The Hon. Alice Wong	Minister of State (Sport)
The Hon. Bal Gosal	

SENATORS OF CANADA

ACCORDING TO SENIORITY

(October 4, 2011)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P., P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.

Senator	Designation	Post Office Address
Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Andette Tardif	Alberta	Edmonton, Alta.
John Mitchell	Alberta	Edmonton, Alta.
John McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
John Eva Dyck	Saskatchewan	Saskatoon, Sask.
John Eggleton, P.C.	Ontario	Toronto, Ont.
John Ruth	Cluny	Toronto, Ont.
René Antonius Dallaire	Gulf	Sainte-Foy, Que.
John S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
John Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
John W. Campbell	British Columbia	Vancouver, B.C.
John A. A. Zimmer	Manitoba	Winnipeg, Man.
John Dawson	Lauzon	Sainte-Foy, Que.
John Fox, P.C.	Victoria	Montreal, Que.
John Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
John Brown	Alberta	Kathryn, Alta.
John J. Dickson	Nova Scotia	Halifax, N.S.
John Greene	Halifax-The Citadel	Halifax, N.S.
John L. MacDonald	Cape Breton	Dartmouth, N.S.
John Duffy	Prince Edward Island	Cavendish, P.E.I.
John Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothesay, N.B.
John Rivard	The Laurentides	Quebec, Que.
John Eaton	Ontario	Caledon, Ont.
John Gerstein	Ontario	Toronto, Ont.
John Wallin	Saskatchewan	Wadena, Sask.
John Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
John Martin	British Columbia	Vancouver, B.C.
John Neufeld	British Columbia	Fort St. John, B.C.
John Lang	Yukon	Whitehorse, Yukon
John Brazeau	Repentigny	Gatineau, Que.
John Housakos	Wellington	Laval, Que.
Johnne Fortin-Duplessis	Rougemont	Quebec, Que.
John Neil Plett	Landmark	Landmark, Man.
John Douglas Finley	Ontario—South Coast	Simcoe, Ont.
John Frum	Ontario	Toronto, Ont.
John Carignan	Mille Isles	Saint-Eustache, Que.
John Demers	Rigaud	Hudson, Que.
John G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
John Stewart Olsen	New Brunswick	Sackville, N.B.
John Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
John Glen Patterson	Nunavut	Iqaluit, Nunavut
John Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
John-Hugues Boisvenu	La Salle	Sherbrooke, Que.
John Beth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
John-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
John Braley	Ontario	Burlington, Ont.
John Atallahjan	Toronto—Ontario	Toronto, Ont.
John Meredith	Ontario	Richmond Hill, Ont.
John Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
John W. Smith	Saurel	Hudson, Que.
John Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 4, 2011)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Braley, David	Ontario	Burlington, Ont.	Conservative
Brazeau, Patrick	Repentigny	Gatineau, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Dickson, Fred J.	Nova Scotia	Halifax, N.S.	Conservative
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Ag, Daniel	Yukon	Whitehorse, Yukon	Conservative
Arreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Bier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Belace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Donald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Novich, Francis William	Toronto	Toronto, Ont.	Liberal
ining, Fabian	Newfoundland and Labrador	St. Brides's, Nfld. & Lab.	Conservative
shall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
tin, Yonah	British Columbia	Vancouver, B.C.	Conservative
isicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
Coy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
ghen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
cer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
chant, Pana	Saskatchewan	Regina, Sask.	Liberal
edith, Don	Ontario	Richmond Hill, Ont.	Conservative
hell, Grant	Alberta	Edmonton, Alta.	Liberal
ukler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
ore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
nson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
cy Ruth	Cluny	Toronto, Ont.	Conservative
feld, Richard	British Columbia	Fort St. John, B.C.	Conservative
n, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
vie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
er, Donald H.	South Shore	Halifax, N.S.	Conservative
erson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
erson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
., Donald Neil	Landmark	Landmark, Man.	Conservative
ier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
in, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
., Vivienne	Toronto	Toronto, Ont.	Liberal
ie, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
quette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
ard, Michel	The Laurentides	Quebec, Que.	Conservative
st, Jean-Claude	Stadacona	Quebec, Que.	Independent
richaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
aciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
l, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
man (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
eston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
h, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
h, Larry W.	Saurel	Hudson, Que.	Conservative
art Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
ton, Terrance R.	Red River	St. Norbert, Man.	Conservative
lif, Claudette	Alberta	Edmonton, Alta.	Liberal
chuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
er, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
ace, John D.	New Brunswick	Rothesay, N.B.	Conservative
ain, Pamela	Saskatchewan	Wadena, Sask.	Conservative
at, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
mer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (October 4, 2011)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Consiglio Di Nino	Ontario	Downsview
4 Michael Arthur Meighen	St. Marys	Toronto
5 Marjory LeBreton, P.C.	Ontario	Manotick
6 Marie-P. Poulin	Northern Ontario	Ottawa
7 Francis William Mahovlich	Toronto	Toronto
8 Vivienne Poy	Toronto	Toronto
9 David P. Smith, P.C.	Cobourg	Toronto
10 Mac Harb	Ontario	Ottawa
11 Jim Munson	Ottawa/Rideau Canal	Ottawa
12 Art Eggleton, P.C.	Ontario	Toronto
13 Nancy Ruth	Cluny	Toronto
14 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
15 Nicole Eaton	Ontario	Caledon
16 Irving Gerstein	Ontario	Toronto
17 Michael Douglas Finley	Ontario—South Coast	Simcoe
18 Linda Frum	Ontario	Toronto
19 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
20 David Braley	Ontario	Burlington
22 Salma Ataullahjan	Toronto—Ontario	Toronto
24 Don Meredith	Ontario	Richmond Hill
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 W. David Angus	Alma	Montreal
5 Pierre Claude Nolin	De Salaberry	Quebec
6 Céline Hervieux-Payette, P.C.	Bedford	Montreal
7 Serge Joyal, P.C.	Kennebec	Montreal
8 Joan Thorne Fraser	De Lorimier	Montreal
9 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
10 Roméo Antonius Dallaire	Gulf	Sainte-Foy
11 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
12 Dennis Dawson	Lauzon	Ste-Foy
13 Francis Fox, P.C.	Victoria	Montreal
14 Michel Rivard	The Laurentides	Quebec
15 Patrick Brazeau	Repentigny	Gatineau
16 Leo Housakos	Wellington	Laval
17 Suzanne Fortin-Duplessis	Rougemont	Quebec
18 Claude Carignan	Mille Isles	Saint-Eustache
19 Jacques Demers	Rigaud	Hudson
20 Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël
21 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
22 Larry W. Smith	Saurel	Hudson
23 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
24

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Terry M. Mercer	Northend Halifax	Caribou River
6 James S. Cowan	Nova Scotia	Halifax
7 Fred J. Dickson	Nova Scotia	Halifax
8 Stephen Greene	Halifax - The Citadel	Halifax
9 Michael L. MacDonald	Cape Breton	Dartmouth
10 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila
3 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
4 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
5 Pierrette Ringuette	New Brunswick	Edmundston
6 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
7 Percy Mockler	New Brunswick	St. Leonard
8 John D. Wallace	New Brunswick	Rothsay
9 Carolyn Stewart Olsen	New Brunswick	Sackville
10 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
---------	-------------	---------------------

The Honourable

1 Janis G. Johnson	Manitoba	Gimli
2 Terrance R. Stratton	Red River	St. Norbert
3 Sharon Carstairs, P.C.	Manitoba	Winnipeg
4 Maria Chaput	Manitoba	Sainte-Anne
5 Rod A. A. Zimmer	Manitoba	Winnipeg
6 Donald Neil Plett	Landmark	Landmark

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
---------	-------------	---------------------

The Honourable

1 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
2 Mobina S. B. Jaffer	British Columbia	North Vancouver
3 Larry W. Campbell	British Columbia	Vancouver
4 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
5 Yonah Martin	British Columbia	Vancouver
6 Richard Neufeld	British Columbia	Fort St. John

SASKATCHEWAN—6

Senator	Designation	Post Office Address
---------	-------------	---------------------

The Honourable

1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Robert W. Peterson	Saskatchewan	Regina
5 Lillian Eva Dyck	Saskatchewan	Saskatoon
6 Pamela Wallin	Saskatchewan	Wadena

ALBERTA—6

Senator	Designation	Post Office Address
---------	-------------	---------------------

The Honourable

1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathryn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 George Furey	Newfoundland and Labrador	St. John's
3 George S. Baker, P.C.	Newfoundland and Labrador	Gander
4 Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise
5 Fabian Manning	Newfoundland and Labrador	St. Bride's
6	Newfoundland and Labrador	

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang	Yukon	Whitehorse

CONTENTS

Tuesday, October 4, 2011

	PAGE		PAGE
MEMBERS' STATEMENTS		QUESTION PERIOD	
Senate		Environment	
Constitutional Reform.		Climate Change Strategy.	
Bert Brown	296	Hon. Grant Mitchell.	300
		Hon. Marjory LeBreton	300
Honourable Senator Claudette Tardif		Veterans Affairs	
Member of l'Ordre des francophones d'Amérique.		Veterans Independence Program.	
James S. Cowan.	296	Hon. Catherine S. Callbeck	301
		Hon. Marjory LeBreton	301
Illness Awareness Week		Industry	
Judith Seidman	296	2011 Census.	
		Hon. David Tkachuk	302
Honourable Claudette Tardif		Hon. Marjory LeBreton	302
Member of l'Ordre des francophones d'Amérique.		Foreign Affairs	
Rose-Marie Losier-Cool	297	European Union Political Framework Treaty.	
		Hon. Joan Fraser	302
International Day of Service		Hon. Marjory LeBreton	303
Pamela Wallin	297	Respecting Linguistic Duality.	
		Hon. Claudette Tardif	303
Ruth Goldbloom, O.C.		Hon. Marjory LeBreton	303
Jane Cordy	298	Hon. Dennis Dawson	303
		Delayed Answer to Oral Question	
Sight Day		Hon. Claude Carignan	304
Consiglio Di Nino	298		
<hr/>		Environment	
DEBATE PROCEEDINGS		Carbon Offsets.	
		Question by Senator Mitchell.	
Centre for Pluralism		Hon. Claude Carignan (Delayed Answer)	304
Annual Report Tabled.			
Claude Carignan	299	<hr/>	
Business Plan For 2011 Tabled.		ORDERS OF THE DAY	
Claude Carignan	299		
		Family Homes on Reserves and Matrimonial Interests or Rights Bill	
House of Parliament		(Bill S-2)	
Report of Joint Committee Pursuant to Rule 104 Presented.		Second Reading—Debate Adjourned.	
Marie-P. Poulin	299	Hon. Nancy Ruth	
		Hon. Lillian Eva Dyck	
Autism Awareness Day Bill (Bill S-206)			
Reading.		Federal Law—Civil Law Harmonization Bill, No. 3 (Bill S-3)	
Jim Munson	299	Second Reading—Debate Adjourned.	
		Hon. W. David Angus	
International Finance			
Motion of Motion to Authorize Committee to Study Potential		Business of the Senate	
Discrepancies of Certain Goods between		Motion to Change Commencement Time on Wednesdays	
Canada and United States.		and Thursdays and to Effect Wednesday Adjournments—	
Joseph A. Day	299	Debate Continued.	
		Hon. Claudette Tardif	
Environment and Natural Resources		Motion in Amendment.	
Committee Authorized to Meet During Sitting of the Senate.		Hon. Claudette Tardif	
W. David Angus	299	Hon. Gerald J. Comeau	
Grant Mitchell.	300	Hon. Sharon Carstairs	
Terry M. Mercer	300	Hon. James S. Cowan	
		Hon. Claude Carignan	
Official Languages		Hon. Fernand Robichaud	
Motion of Motion to Authorize Committee to Study the Use		Hon. Anne C. Cools	
of Internet, New Media and Social Media and the Respect		Hon. Jim Munson	
for Canadians' Language Rights.			
Maria Chaput	300	Legal and Constitutional Affairs	
		Committee Authorized to Study Provisions and Operation of the	
Art in the Gallery		Act to amend the Criminal Code (production of records in sexual	
on the Speaker.	300	offence proceedings) and Refer Papers and Evidence	
		from Previous Session.	
		Hon. John D. Wallace	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5

